

MONDAY, MAY 17, 1999

THIRTY-FIRST LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative McDonald.

Representative McDonald led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Armstrong; business reasons.

Representative Bowers; business reasons.

Representative Brooks; business reasons.

Representative L. DeBerry; business reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 236: Rep(s). Maddox as prime sponsor(s).

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

House Bill No. 415: Rep(s). Todd, White, Goins, Ford, Patton, McKee, Roach, Dunn, Montgomery, Godsey, Buttry, Turner (Hamilton) and Towns as prime sponsor(s).

House Bill No. 470: Rep(s). Bone as prime sponsor(s).

House Bill No. 1208: Rep(s). Towns and Ferguson as prime sponsor(s).

House Bill No. 1924: Rep(s). Naifeh and Patton as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Armstrong was/were removed as sponsor(s) of **House Bill No. 1734.**

MESSAGE FROM THE GOVERNOR

May 14, 1999

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 403, 832, 883, 1268, 1310, 1950, 1952, 1955, 1957, 1958, 1959, also, House Joint Resolution(s) No(s). 222; with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 14, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 50, 56, 83, 258, 261, 262, 281, 283, 284, 285, 286, 330, 332, 333, 334, 335, 336, 337, 338, 339 and 340; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

May 14, 1999

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 985 and 1417.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 14, 1999

The Speaker signed the following: House Bill(s) No(s). 985 and 1417.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 14, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 985 and 1417; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

May 14, 1999

The Speaker signed the following: Senate Joint Resolution(s) No(s). 50, 56, 83, 258, 261, 262, 281, 283, 284, 285, 286, 330, 332, 333, 334, 335, 336, 337, 338, 339 and 340.

REPORT OF CHIEF ENGROSSING CLERK

May 14, 1999

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 985 and 1417.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 17, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 401; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 401 -- Memorials, Retirement - Jack Vaughn. by *Haynes, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

MESSAGE FROM THE SENATE

May 17, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1886; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 1886 -- Education, Higher - Permits institutions of higher education to release certain student records and student information if related to criminal activity or drug or alcohol possession or use by such student Amends TCA Title 10, Chapter 7. by *Burchett. (*HB1916 by *Boyer)

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 17, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 362; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 362 -- Memorials, Retirement - Martha Holcombe Mott. by *Person, *Leatherwood.

MESSAGE FROM THE SENATE

May 17, 1999

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 946.

The Senate nonconcurred in House Amendment(s) No(s). 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 116; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

PERSONAL ORDERS

RULES SUSPENDED

Rep. Curtiss moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 239 out of order, which motion prevailed.

House Joint Resolution No. 239 -- Memorials, Sports - White County Warriors, 1999 TSSAA Class AAA basketball state champions. by *Curtiss.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Curtiss, the resolution was adopted.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 235** -- Naming and Designating - "Frankland-Taylor National Guard Armory," Jackson. by *Kisber, *McDaniel.

House Finance, Ways and Means Committee

***House Joint Resolution No. 241** -- Highway Signs - "Dr. Martin Luther King, Jr. Boulevard," S.R. 236 in Montgomery County. by *McMillan.

House Finance, Ways and Means Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 19, 1999:

House Resolution No. 61 -- Memorials, Retirement - Nancy Rainwater Gilliam. by *Pinion.

House Resolution No. 62 -- Memorials, Retirement - Anne Stowers. by *Pinion.

House Resolution No. 63 -- Memorials, Interns - Tiffaney Paige Jones. by *Ford S.

House Resolution No. 64 -- Memorials, Academic Achievement - Brian Scott Burton, Western Kentucky University graduate. by *Davis (Cocke).

House Resolution No. 65 -- Memorials, Retirement - James Gaddis. by *Davis (Cocke).

House Joint Resolution No. 242 -- Memorials, Academic Achievement - Christopher David Evans, 1999 Valedictorian, Powell Valley High School. by *Goins.

House Joint Resolution No. 243 -- Memorials, Academic Achievement - Misty Daniels, Salutatorian, Forge Ridge High School. by *Goins.

House Joint Resolution No. 244 -- Memorials, Academic Achievement - Sandra Dale Slater, 1999 Salutatorian, Powell Valley High School. by *Goins.

House Joint Resolution No. 245 -- Memorials, Academic Achievement - Dustin Clay Daniels, Valedictorian, Forge Ridge High School. by *Goins.

House Joint Resolution No. 246 -- Memorials, Academic Achievement - April Michele Tarkington, 1999 Valedictorian, Santa Fe High School. by *Sands.

House Joint Resolution No. 247 -- Memorials, Academic Achievement - Misty Lee Webb, Valedictorian, Culleoka High School. by *Sands.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

House Joint Resolution No. 248 -- Memorials, Academic Achievement - Jillian Lee Benderman, Valedictorian, Mt. Pleasant High School. by *Sands.

House Joint Resolution No. 249 -- Memorials, Academic Achievement - Michael Edward McKennon, Valedictorian, Hampshire High School. by *Sands.

House Joint Resolution No. 250 -- Memorials, Recognition - Dr. Robert M. Smith. by *Ridgeway, *Rinks, *Fitzhugh, *Pinion, *Phelan, *Cole (Dyer), *Naifeh, *Maddox.

House Joint Resolution No. 251 -- Memorials, Professional Achievement - Jerry Tyler, 30th anniversary with WDBL Radio. by *Davidson.

House Joint Resolution No. 254 -- Memorials, Public Service - Jackie Brewer, Victim Advocate of the Year. by *Hargett.

House Joint Resolution No. 255 -- Memorials, Public Service - Linda K. Miller, Victim Advocate of the Decade. by *Hargett, *Kent.

House Joint Resolution No. 258 -- Memorials, Academic Achievement - Buelah Jessica Collier, 1999 Valedictorian, Union County High School. by *Goins.

House Joint Resolution No. 259 -- Memorials, Professional Achievement - First Claiborne Bank, 100 year anniversary. by *Goins, *Baird.

House Joint Resolution No. 260 -- Memorials, Academic Achievement - Angela Rose Bailey, 1999 Salutatorian, Union County High School. by *Goins.

House Joint Resolution No. 261 -- Memorials, Academic Achievement - Sarah Jane Sherburn, Valedictorian, Spring Hill High School. by *Sands.

House Joint Resolution No. 262 -- Memorials, Academic Achievement - Aaron Daniel Gray, Valedictorian, Columbia Central High School. by *Sands.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 19, 1999:

Senate Joint Resolution No. 362 -- Memorials, Retirement - Martha Holcombe Mott. by *Person, *Leatherwood.

Senate Joint Resolution No. 401 -- Memorials, Retirement - Jack Vaughn. by *Haynes, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1981 -- Centerville - Subject to local approval, revises jurisdiction and salary of city judge. Amends Chapter 40 of the Private Acts of 1997. by *Jackson.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 92** -- Sunset Laws - Council for hearing instrument specialists, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 17. by *Springer. (HB368 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 104** -- Sunset Laws - Board of dentistry, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 5. by *Springer. (HB357 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 121** -- Sunset Laws - Department of health, June 30, 2006. Amends TCA Title 4, Chapters 3 and 29. by *Springer. (HB398 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 124** -- Sunset Laws - Board of communication disorders and sciences, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 17. by *Springer. (HB352 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 125** -- Sunset Laws - Board of chiropractic examiners, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 4. by *Springer. (HB339 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 131** -- Sunset Laws - Board of polygraph examiners, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 27. by *Springer. (HB344 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 133** -- Sunset Laws - Private investigation commission, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 26. by *Springer. (HB343 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 146** -- Sunset Laws - Emergency medical services board, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 140. by *Springer. (HB371 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 149** -- Sunset Laws - Water quality control board, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 3. by *Springer. (HB373 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 152** -- Sunset Laws - Private protective services board, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 35. by *Springer. (HB347 by *Kernell, *Garrett, *Brooks)

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

***Senate Bill No. 184** -- Education - Requires LEAs to implement in grades 1 through 6 intervention program that utilizes conflict resolution and decision-making strategies to prevent disruptive acts by students within school and on school property; guidance counselors to serve as resource and consultant to teachers in implementing program. Amends TCA Title 49, Chapter 2 and Section 49-6-303. by *Dixon, *Harper. (HB220 by *Pruitt, *Langster)

***Senate Bill No. 240** -- Teachers, Principals and School Personnel - Enacts "Tennessee School Employee Religious Liberty Act of 1999." Amends TCA Title 49, Chapter 6. by *Herron, *Dixon, *Williams, *Burks, *Kurita, *Kyle, *Graves, *Davis L. (HB415 by *Fitzhugh, *Maddox, *Pinion, *Ridgeway, *Tidwell, *Cole (Dyer))

Senate Bill No. 274 -- Fireworks - Authorizes sale at retail of D.O.T.Class C common fireworks in East Ridge; applies provisions of TCA Title 68, Chapter 104, Part 1 to sale of fireworks. by *Fowler. (*HB267 by *Sharp)

Senate Bill No. 306 -- Contractors - Establishes licensure procedures and requirements for residential and light commercial electrical contractors. Amends TCA Title 62, Chapter 6, Part 1. by *Atchley. (*HB275 by *Curtiss, *Phelan, *Gunnels, *Head, *Mumpower, *Godsey, *McDaniel, *Sargent, *Bittle, *Kisber, *Bowers, *Kent, *Walker (Rhea))

***Senate Bill No. 486** -- Jails, Local Lock-ups - Upon adoption of resolution or ordinance by 2/3 vote by county or municipal legislative body to establish a plan to charge an inmate a fee not exceeding actual cost, allows administrator of jail or workhouses to recover cost of hygiene and clothing items issued to inmates from inmates' jail trust accounts. Amends TCA Title 41, Chapter 4, Part 1. by *Haynes, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack. (HB981 by *Jones, S., *Odom, *Briley, *Garrett, *Robinson, *Harwell)

***Senate Bill No. 488** -- Gas, Petroleum Products, Volatile Oils - Clarifies authority of intrastate natural gas pipeline corporations to sell, transport and distribute natural gas. Amends TCA Section 7-82-301 and Title 65. by *Haynes, *Harper. (HB1733 by *Arriola, *McAfee, *Jones U (Shelby), *Cooper B, *Towns, *Miller L)

***Senate Bill No. 764** -- Dentists - Adds as new power to board of dentistry to provide for any on-site evaluations of facilities, equipment and personnel of dentists as board determines appropriate in interest of public safety. Amends TCA Section 63-5-105. by *Burchett. (HB884 by *Hagood)

***Senate Bill No. 922** -- Municipal Government - Declares graffiti on public property or visible from publicly owned property to be public nuisance which may be abated by civil action or suit in circuit or chancery court; authorizes municipalities to adopt ordinance to use municipal funds to remove graffiti under certain circumstances. Amends TCA Title 6, Chapter 54. by *Harper. (HB979 by *Briley, *Garrett, *Robinson, *Harwell, *Pruitt, *Langster)

Senate Bill No. 961 -- Highways, Roads and Bridges - Includes S.R. 444 in Loudon County within scenic highway system Amends TCA Title 54, Chapter 17. by *Miller J. (*HB775 by *Gunnels)

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Senate Bill No. 962 -- Business Organizations - Authorizes president and secretary of corporation to be same person or entity if such person or entity only shareholder of such corporation; permits limited liability company to exist with only one member, instead of with two or more members. Amends TCA Title 48, Chapter 18 and Chapter 203. by *Miller J. (*HB492 by *Hargett)

***Senate Bill No. 1082** -- Education, Higher - Revises law on university research. Amends TCA Section 10-7-504 and Section 49-7-120. by *Womack. (HB1344 by *Davidson, *Caldwell)

Senate Bill No. 1380 -- Tobacco, Tobacco Products - Rewrites Prevention of Youth Access to Tobacco Act; adds civil offense of minor possessing tobacco product, punishable by juvenile court citation; modifies department of agriculture enforcement; creates new civil penalties subject to UAPA hearings. Amends TCA Title 39, Chapter 17, Part 15. by *Person, *Carter, *Williams, *Dixon. (*HB1027 by *Jackson, *Bowers, *Caldwell, *Ferguson, *Fitzhugh, *Maddox, *Jones, S., *Brooks, *Jones U (Shelby), *Kernell)

***Senate Bill No. 1451** -- Managed Care Organizations - Establishes procedure for prompt payment of provider claims by HMOs involved in TennCare program. Amends TCA Section 56-32-226 and Title 71, Chapter 5. by *Atchley, *Crowe, *Herron, *McNally. (HB1535 by *Kisber, *Hargrove, *McDaniel, *Walker (Rhea))

Senate Bill No. 1616 -- Transportation, Dept. of - Clarifies certain aspects of process of removal, relocation or adjustment of utility facilities in conjunction with construction projects undertaken by department. Amends TCA Title 54, Chapter 5, Part 8. by *Haun, *McNally. (*HB1132 by *Buttry, *McDaniel)

Senate Bill No. 1769 -- Probation and Parole - Clarifies offenses for which concurrence of four members of board of probation and parole needed for grant of parole; adds certain new provisions concerning grant or rescission of parole. Amends TCA Title 40. by *Fowler. (*HB1847 by *McKee)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1979 -- Gallatin -- Local Bill Held on House Desk

CONSENT CALENDAR

***House Bill No. 1924** -- Highway Signs - "Patrick H. McCutchen Memorial Bridge," spanning U.S. 79 on new segment of S.R. 374, Montgomery County. by *Head, *McMillan. (SB1855 by *Kurita, *Womack, *Henry, *Kyle, *Springer, *Haynes, *Graves, *Harper, *Rochelle, *Dixon, *Cohen)

On motion, House Bill No. 1924 was made to conform with **Senate Bill No. 1855**; the Senate Bill was substituted for the House Bill.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

***Senate Joint Resolution No. 221** -- General Assembly, Confirmation of Appointment - Faye L. Barna, Tennessee Forestry Commission. by *Davis L, *Atchley.

House Bill No. 1190 -- Children - Deletes certain provisions concerning standard of need determinations. Amends TCA Title 71, Chapter 3. by *Arriola. (*SB1160 by *Henry)

***House Joint Resolution No. 53** -- General Assembly, Directed Studies - Urges state board of education to develop capital improvements program for public schools. by *Cooper B, *Miller L, *Towns, *Jones U (Shelby), *McDonald, *Brooks.

***House Joint Resolution No. 54** -- General Assembly, Directed Studies - Encourages state board of education to develop policy for local education agencies to periodically give notice of student progress to parents or legal guardians. by *Cooper B, *Miller L, *Towns, *Jones U (Shelby), *Brooks.

***House Joint Resolution No. 55** -- Memorials, Government Officials - Urges board of probation and parole to establish program to maintain accurate records of amount of restitution or community service work each probationer or parolee has paid or performed, such records to be kept on monthly basis by each probation and parole officer. by *Cooper B, *Miller L, *Towns, *Jones U (Shelby), *Brooks.

***House Joint Resolution No. 84** -- Memorials, Congress - Requests action to be taken to have language in United States Constitution, Article 1, Section 2, relating to formula for apportioning seats in house of representatives edited from future printings of constitution. by *Cooper B, *Towns, *Brooks, *Jones U (Shelby).

House Bill No. 1311 -- Tobacco, Tobacco Products - Enacts "Tennessee Tobacco Manufacturers' Escrow Fund Act of 1999." Amends TCA Title 47. by *Givens, *Bowers, *Ferguson, *Roach, *Walker (Rhea), *Head. (*SB1544 by *Haun, *Burks, *Williams)

On motion, House Bill No. 1311 was made to conform with **Senate Bill No. 1544**; the Senate Bill was substituted for the House Bill.

***House Bill No. 1915** -- Taxes, Exemption - Exempts from sales and use tax motor vehicles loaned to schools by dealer for driver education programs. Amends TCA Title 67, Chapter 6, Part 3. by *Boyer. (SB1887 by *Burchett)

***Senate Joint Resolution No. 239** -- General Assembly, Confirmation of Appointment - George Akans, Tennessee wildlife resources commission. by *Atchley.

***House Bill No. 294** -- Workers' Compensation - Increases from \$10,000 to \$20,000 lump sum amount paid to estate of deceased employee where such employee leaves no dependents. Amends TCA Section 50-6-209. by *Maddox. (SB709 by *Herron)

House Bill No. 1757 -- Bond Issues - Abolishes certain requirements for department of environment and conservation to enter into contracts for construction of marina and golf course near Clifton. Amends Chapter 990, Public Acts of 1996. by *Rinks. (*SB1571 by *Wilder)

***Senate Joint Resolution No. 220** -- General Assembly, Confirmation of Appointment - Roosevelt Allen, Tennessee Forestry Commission. by *Burchett, *Atchley.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

***House Joint Resolution No. 176** -- Memorials, Government Officials - Urges Tennessee human rights commission to fulfill its statutory responsibility with regard to Title VI investigations, implementation and technical assistance. by *Brown, *Bowers, *Towns, *Pruitt, *DeBerry L, *Brooks.

House Bill No. 385 -- Sunset Laws - Utility management review board, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 7, Chapter 82. by *Kernell, *Garrett, *Brooks. (*SB112 by *Springer)

On motion, House Bill No. 385 was made to conform with **Senate Bill No. 112**; the Senate Bill was substituted for the House Bill.

House Bill No. 393 -- Sunset Laws - Board of claims, June 30, 2005. Amends TCA Title 4, Chapter 29, and Title 9, Chapter 8. by *Kernell, *Garrett, *Brooks. (*SB142 by *Springer)

On motion, House Bill No. 393 was made to conform with **Senate Bill No. 142**; the Senate Bill was substituted for the House Bill.

House Bill No. 397 -- Sunset Laws - Tennessee claims commission, June 30, 2005. Amends TCA Title 4, Chapter 29, and Title 9, Chapter 8. by *Kernell, *Garrett, *Brooks. (*SB120 by *Springer)

On motion, House Bill No. 397 was made to conform with **Senate Bill No. 120**; the Senate Bill was substituted for the House Bill.

House Bill No. 402 -- Sunset Laws - Families first advisory council, June 30, 2003. Amends TCA Title 4, Chapter 29, and Title 71, Chapter 3. by *Kernell, *Garrett, *Brooks. (*SB145 by *Springer, *Dixon)

On motion, House Bill No. 402 was made to conform with **Senate Bill No. 145**; the Senate Bill was substituted for the House Bill.

***House Bill No. 1680** -- Sunset Laws - Commission on children and youth, June 30, 2006; abolishes interagency coordination council. Amends TCA Title 4, Chapter 29 and Title 37, Chapter 3. by *Kernell. (SB1736 by *Springer, *Crowe)

On motion, House Bill No. 1680 was made to conform with **Senate Bill No. 1736**; the Senate Bill was substituted for the House Bill.

House Bill No. 521 -- Courts, General Sessions - Increases jurisdiction of general sessions courts of Hamilton County from \$10,000 to \$15,000, same as other general sessions courts. Amends TCA 16-15-501(d)(2)(B). by *Turner (Hamilton), *Brown, *Sharp, *McAfee, *Stulce, *Wood. (*SB301 by *Crutchfield)

On motion, House Bill No. 521 was made to conform with **Senate Bill No. 301**; the Senate Bill was substituted for the House Bill.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

House Bill No. 1347 -- County Government - Subject to adoption of resolution by 2/3 vote of county legislative body, requires candidates for election to membership of county legislative body of Hamilton County to reside in county commission district for one year immediately preceding election. Amends TCA Section 5-5-102. by *Turner (Hamilton), *Wood, *Sharp, *McAfee, *Armstrong, *Brown, *DeBerry J. (*SB820 by *Crutchfield)

House Bill No. 1670 -- Utilities, Utility Districts - Exempts retail customers in municipal and/or urban growth boundaries adjoining bordering state from regulation by TRA public gas utility regulation by allowing purchase of natural gas from out-of-state utility. Amends TCA Title 65, Chapter 4. by *Fowlkes. (*SB1705 by *Cooper)

House Bill No. 1604 -- Probate Law - Allows deposit of will with probate court after party dies in situations where heirs/beneficiaries under will are same parties and/or all property passes to joint owners with rights of survivorship outside will Amends TCA Title 32, Chapter 1. by *Lewis, *Sands. (*SB1098 by *Cooper)

***House Bill No. 962** -- Courts, General Sessions - Permits judgment creditor to examine judgment debtor in general sessions proceedings Amends TCA Title 16, Chapter 15, Part 7, Section 712. by *Head, *Sands, *Hargrove. (SB1464 by *Henry, *Haynes)

On motion, House Bill No. 962 was made to conform with **Senate Bill No. 1464**; the Senate Bill was substituted for the House Bill.

House Bill No. 1815 -- Municipal Government - Increases from \$5,000 to \$10,000 maximum amount municipal governing body may set for purchases not requiring public advertising and competitive bidding. Amends TCA Section 6-56-306. by *Sargent. (*SB839 by *Blackburn)

On motion, House Bill No. 1815 was made to conform with **Senate Bill No. 839**; the Senate Bill was substituted for the House Bill.

***House Bill No. 874** -- Codes - Allows any person certified by state to conduct fire safety inspections or enforce building codes within local jurisdiction, to perform activities, within certification, for any other local government that may request service. Amends TCA Title 5; Title 7 and Title 68, Chapter 102, Part 1. by *Kerr. (SB1136 by *Clabough)

House Bill No. 876 -- Consumer Protection - Requires person who advertises as electrician to be licensed as electrician by applicable local or state authority. Amends TCA Title 47, Chapter 18, Part 1. by *Kerr. (*SB844 by *Fowler)

***House Joint Resolution No. 211** -- General Assembly, Confirmation of Appointment - Avron Fogelman, State Board of Education. by *Kent.

***Senate Joint Resolution No. 238** -- General Assembly, Confirmation of Appointment - Joe L. Williams, wildlife resources commission. by *Davis L.

House Bill No. 1969 -- Rutherford County - Subject to local approval, changes wheel tax issuance fee Amends Chapter 329 of the Private Acts of 1970. by *Eckles, *Beavers, *Hood. (SB1958 by *Womack)

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

House Bill No. 1972 -- Collierville - Subject to local approval, repeals existing privilege tax statute; revises charter relative to historical preservation privilege tax. Amends Chapter 230 of the Private Acts of 1988. by *Scroggs, *Todd. (SB1966 by *Leatherwood)

House Bill No. 1976 -- Tusculum - Subject to local approval, in adopting land use planning and zoning within its boundaries, authorizes board of commissioners to restrict factory-manufactured mobile homes in areas designated for residential use; does not apply to modular building units. by *Whitson. (SB1968 by *Haun)

House Bill No. 1977 -- Smyrna - Subject to local approval, grants board of commissioners authority to implement development tax; increases residency requirement for holding elected office from six months to one year; permits board of commissioners to also be sworn in by judge of court of record; provides for special runoff election where ties between two candidates for board cannot be broken by commission vote; establishes employee review board. Amends Chapter 284 of the Private Acts of 1915; as amended. by *Eckles. (SB1970 by *Womack)

House Resolution No. 57 -- Memorials, Sports - 1998-1999 Maury Middle School boys' basketball team. by *Roach.

House Resolution No. 58 -- Memorials, Interns - Phillip Chockley. by *McDaniel.

House Joint Resolution No. 236 -- Memorials, Personal Occasion - Woodland Mills, 50th year class reunion. by *Caldwell, *Pinion.

House Joint Resolution No. 237 -- Memorials, Academic Achievement - Michael Jason Williams, Claiborne County High School Salutatorian. by *Goins.

House Joint Resolution No. 238 -- Memorials, Academic Achievement - Misty Dawn Henard, Valedictorian, Claiborne County High School. by *Goins.

House Joint Resolution No. 240 -- Memorials, Academic Achievement - Ryan Capell Gardner, Valedictorian, Columbia Academy. by *Sands.

Senate Joint Resolution No. 263 -- Memorials, Sports - Cordova High School Pom Team, Junior Varsity National Champions. by *Person, *Leatherwood.

Senate Joint Resolution No. 264 -- Memorials, Death - Muriel Spoden. by *Ramsey, *Henry, *Crowe.

Senate Joint Resolution No. 275 -- Memorials, Public Service - Korean War Veterans, 6147th Tactical Group "Mosquitos.". by *Crowe.

Senate Joint Resolution No. 276 -- Memorials, Academic Achievement - Sarah Beth Birdwell, Valedictorian, Ezell-Harding Christian School. by *Rochelle.

Senate Joint Resolution No. 277 -- Memorials, Academic Achievement - Jameel Clark, 1999 Salutatorian, Ezell-Harding Christian School. by *Rochelle.

Senate Joint Resolution No. 278 -- Memorials, Academic Achievement - Tracie Lea Lewis, 1999 Salutatorian, Ezell-Harding Christian High School. by *Rochelle.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Senate Joint Resolution No. 280 -- Memorials, Retirement - Ollie Keller. by *Clabough, *Atchley, *McNally, *Springer, *Henry, *Cohen.

Senate Joint Resolution No. 341 -- Memorials, Recognition - Memphis Kemet Jubilee. by *Dixon, *Harper.

Senate Joint Resolution No. 342 -- Memorials, Death - Juanita Meeks Helton. by *Dixon.

Senate Joint Resolution No. 353 -- Memorials, Academic Achievement - Tara Michelle Forrest, Valedictorian, Harpeth High School. by *Kurita.

Senate Joint Resolution No. 354 -- Memorials, Academic Achievement - Lessa LaFever, Valedictorian, Harpeth High School. by *Kurita.

Senate Joint Resolution No. 355 -- Memorials, Academic Achievement - Rebecca M. Patenaude, Valedictorian, Harpeth High School. by *Kurita.

Senate Joint Resolution No. 356 -- Memorials, Academic Achievement - Sherrie Crouch, Salutatorian, Harpeth High School. by *Kurita.

Senate Joint Resolution No. 357 -- Memorials, Recognition - Clarksville High School JROTC. by *Kurita.

Senate Joint Resolution No. 360 -- Memorials, Interns - Mason Wilson. by *Kyle, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 294: by Rep. Maddox

Under the rules, House Bill No: 294 was/were placed at the foot of the calendar for May 19, 1999.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes95
Noes.....0

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

***Senate Bill No. 7** -- Traffic Safety - Increases from six to 12 years age of children prohibited from riding in back of pickup trucks on state highways. Amends TCA 55-8-189. by *Cooper, *Rochelle, *Burks, *Kurita. (HB192 by *Kisber, *Caldwell, *Walker (Rhea), *Turner (Hamilton), *Stulce)

Further consideration of Senate Bill No. 7 previously considered on May 10, 1999, at which time the Senate Bill was substituted for the House Bill, the House withdrew Amendment No. 1, was on the motion to adopt Amendment No. 2 and reset the bill for today's Calendar.

Rep. Kisber requested that Senate Bill No. 7 be moved to the heel of the Calendar.

House Bill No. 1751 -- Education - Provides that children of teachers shall be allowed to attend school at which such parent teaches. Amends TCA Section 49-6-3113. by *Hagood. (*SB1662 by *Burchett)

Further consideration of House Bill No. 1751 previously considered on May 10, 1999, at which time the House adopted Amendment No. 1 and reset the bill for today's Calendar.

Rep. Hagood moved that House Bill No. 1751 as amended, be passed on third and final consideration.

Rep. Maddox moved the previous question, which motion prevailed.

Rep. Hagood moved that **House Bill No. 1751**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	2

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 92.

Representatives present and not voting were: Head, Mr. Speaker Naifeh -- 2.

A motion to reconsider was tabled.

***House Bill No. 754** -- Workers' Compensation - Authorizes workers' compensation specialist to order retroactive payment of benefits. Amends TCA Title 50, Chapter 6. by *Buck. (SB1223 by *Haynes)

Rep. Buck moved that House Bill No. 754 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1228 -- Hospitals and Health Care Facilities - Deletes exception that facility licensed as home for aged and meeting fire and safety standards for such homes meets the standards for assisted care living facilities unless board specifically finds to the contrary and requires such facilities to comply with TCA 68-11-209 Amends TCA Section 68-11-201. by *Walley. (*SB408 by *Cooper)

Rep. Walley moved that House Bill No. 1228 be passed on third and final consideration.

Rep. Pruitt moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1228 by deleting Section 2 in its entirety and replacing it with the following new language:

Section 2. This act shall take effect 270 days subsequent to the revisions to the Board of Licensing Health Care Facilities Rules Revisions to the Standards for Homes for the Aged (Rule 1200-8-11.01 through .12) becoming effective after being approved by the Attorney General and Reporter and being filed with the Secretary of State pursuant to T.C.A. § 4-5-207.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Walley moved that **House Bill No. 1228**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Ayes92
Noes0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Bill No. 1846** -- Agriculture - Allows commissioner to file lien on cotton crop of grower who fails to pay assessment for boll weevil eradication. Amends TCA Section 43-6-426, by *Walley, *Ford S. (SB1846 by *Carter)

Rep. Walley moved that House Bill No. 1846 be passed on third and final consideration.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1846 by deleting Section 1 of the introduced bill in its entirety and substituting in lieu thereof the following new Section 1:

SECTION 1. Tennessee Code Annotated, Section 43-6-426, is amended by deleting subsection (c) in its entirety and by substituting instead the following new subsection:

(c) Whenever a cotton grower fails to pay all assessments, penalties, and costs associated with the treatment and/or destruction of a cotton crop, the commissioner may recover the amount due from the buyer of the grower's crop, equal to but not exceeding the amount the buyer paid for the crop. Notice of the commissioner's claim shall be given in writing to the grower and the buyer. The buyer shall pay the commissioner's claim before payment for the crop is made to the grower. Beginning on the date written notice is received by the buyer, the commissioner's claim shall apply to any cotton crop grown by the grower, including future crops, until the commissioner's claim is paid in full. The buyer shall be liable for making such payment to the commissioner; however, any buyer of cotton shall take free of the commissioner's claim if such buyer has not received written notice of the claim by the date the grower receives payment for the crop.

AND FURTHER AMEND by deleting Section 2 of the introduced bill in its entirety and by substituting in lieu thereof the following new Section 2:

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

SECTION 2. Tennessee Code Annotated, Section 43-6-426, is amended by adding the following new subsection (d):

(d) If the grower's cotton crop fails or is not sufficient to pay the commissioner's claim as provided for in subsection (c), the commissioner shall have a lien of equal dignity with other liens for monies owed to the state against all real and personal property owned or subsequently acquired by the grower in accordance with the provisions of §67-1-1403. The commissioner shall cause a notice of a lien for payment of such claim to be recorded in the office of the appropriate county register of deeds as provided for in §67-1-1403.

On motion, Agriculture Committee Amendment No. 1 was adopted.

Rep. Walley moved that **House Bill No. 1846**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93
Noes0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 1916** -- Education, Higher - Permits institutions of higher education to release certain student records and student information if related to criminal activity or drug or alcohol possession or use by such student Amends TCA Title 10, Chapter 7. by *Boyer. (SB1886 by *Burchett)

Rep. Boyer moved that House Bill No. 1916 be reset for the Regular Calendar on May 20, 1999, which motion prevailed.

***House Bill No. 906** -- Aged Persons - Creates task force to be in existence for one year to identify major health issues facing elderly, exclusive of issues relating to long-term care; creates office of aging within department of health. Amends TCA Title 4, Chapter 3, Part 18. by *Pruitt. (SB1040 by *Dixon)

Rep. Pruitt moved that House Bill No. 906 be passed on third and final consideration.

CHAIR TO RINKS

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks.

REGULAR CALENDAR, CONTINUED

Rep. Kernell requested that Government Operations Committee Amendment No. 1 be placed at the heel of the Amendments.

Rep. Pruitt moved adoption of Health and Human Resources Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 906 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. (a) The commission on aging is directed to:

(1) Identify prevention strategies, which could improve the quality of life and affect the health conditions of persons over age sixty (60) years;

(2) Analyze the problems experienced by the elderly in obtaining appropriate treatment for chronic diseases that afflict the elderly; and

(3) Compile information regarding nutrition and health care issues and unmet needs of the elderly as well as strategies being used across the nation to address such issues and needs and make such information available upon request.

(b) Upon request by the commission, other state agencies, including but not limited to the department of health and its chief medical officer, the department of human services, and the department of mental health and mental retardation, shall provide timely assistance to the commission in meeting its duties herein. The commission shall report concerning its findings and recommendations to the governor, the senate general welfare committee and the house health and human resources committee by January 1, 2000.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 as House Amendment No. 2. was adopted.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Rep. Maddox moved the previous question, which motion prevailed.

Rep. Pruitt moved that **House Bill No. 906**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93

Noes0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 1133 -- Custody and Support - Enacts "Uniform Child-Custody Jurisdiction and Enforcement Act." Amends TCA Title 36; Title 36, Chapter 6; Title 37 and Title 39. by *McMillan. (*SB1411 by *Person)

Rep. McMillan moved that House Bill No. 1133 be passed on third and final consideration.

Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1133 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 6, is amended by deleting part 2 in its entirety and by substituting instead Sections 2-45 of this act.

SECTION 2. This act may be cited as the "Uniform Child Custody Jurisdiction and Enforcement Act."

SECTION 3. Part 2 of this title shall be liberally construed and applied to promote its underlying purposes and policies. This act should be construed according to its purposes, which are to:

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

(1) Avoid jurisdictional competition and conflict with courts of other states in matters of child custody which have in the past resulted in the shifting of children from state to state with harmful effects on their well-being;

(2) Promote cooperation with the courts of other states to the end that a custody decree is rendered in that state which can best decide the case in the interest of the child;

(3) Discourage the use of the interstate system for continuing controversies over child custody;

(4) Deter abductions of children;

(5) Avoid relitigation of custody decisions of other states in this state; and

(6) Facilitate the enforcement of custody decrees of other states;

SECTION 4. In any dispute as to the proper construction of one or more sections of this part, the official comments pertaining to the corresponding sections of the Uniform Child Custody Jurisdiction and Enforcement Act, Official Text, as adopted by the National Conference of Commissioners on Uniform State Laws as in effect on the date of enactment of the sections in this state shall constitute evidence of the purposes and policies underlying such sections, unless:

(a) the sections of part 2 that are applicable to the dispute differ materially from the sections of the Official Text that would be applicable thereto; or

(b) the Official Comments are inconsistent with the plain meaning of the applicable sections of part 2.

SECTION 5. The Tennessee Code Commission is hereby authorized and directed to include as Official Comments those comment provisions pertaining to the corresponding sections of the Uniform Child Custody Jurisdiction and Enforcement Act, which shall be transmitted to the Commission with this act.

SECTION 6. In this act:

(1) "Abandoned" means left without provision for reasonable and necessary care or supervision.

(2) "Child" means an individual who has not attained 18 years of age.

(3) "Child custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term includes a permanent, temporary, initial, and modification order. The term does not include an order relating to child support or other monetary obligation of an individual.

(4) "Child-custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under part 3.

(5) "Commencement" means the filing of the first pleading in a proceeding.

(6) "Court" means an entity authorized under the law of a state to establish, enforce, or modify a child-custody determination.

(7) "Home state" means the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child-custody proceeding. In the case of a child less than six (6) months of age, the term means the state in which the child lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of the period.

(8) "Initial determination" means the first child-custody determination concerning a particular child.

(9) "Issuing court" means the court that makes a child-custody determination for which enforcement is sought under this act.

(10) "Issuing state" means the state in which a child-custody determination is made.

(11) "Modification" means a child-custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, whether or not it is made by the court that made the previous determination.

(12) "Person" means an individual, corporation, business trust estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity.

(13) "Person acting as a parent" means a person, other than a parent, who:

(A) has physical custody of the child or has had physical custody for a period of six (6) consecutive months, including any temporary absence, within one (1) year immediately before the commencement of a child custody proceeding; and

(B) has been awarded legal custody by a court or claims a right to legal custody under the law of this state.

(14) "Petitioner" means a person who seeks enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child-custody determination.

(15) "Respondent" means a person against whom a proceeding has been commenced for enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child custody determination.

(16) "Physical custody" means the physical care and supervision of a child.

(17) "state" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(18) "Tribe" means an Indian tribe or band, or Alaskan native village, which is recognized by federal law or formally acknowledged by a state.

(19) "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

SECTION 7. This act does not govern an adoption proceeding or a proceeding pertaining to the authorization of emergency medical care for a child.

SECTION 8.

(a) A child-custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq., is not subject to this act to the extent that it is governed by the Indian Child Welfare Act.

(b) A court of this state shall treat a tribe as if it were a state of the United States for the purpose of applying parts 1 and 2.

(c) A child-custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of this act must be recognized and enforced under part 3.

SECTION 9.

(a) A court of this state shall treat a foreign country as if it were a state of the United States for the purpose of applying this act.

(b) Except as otherwise provided in subsection (c), a child-custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this act must be recognized and enforced under this act.

(c) A court of this state need not apply this act if the child custody law of a foreign country violates fundamental principles of human rights.

SECTION 10. A child-custody determination made by a court of this state that had jurisdiction under this act binds all persons who have been served in accordance with the laws of this state or notified in accordance with this act or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard.

As to those persons, the determination is conclusive as to all decided issues of law and fact except to the extent the determination is modified.

SECTION 11. If a question of existence or exercise of jurisdiction under this act is raised in a child-custody proceeding, the question, upon request of a party, must be given priority on the calendar and handled expeditiously.

SECTION 12. (a) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.

(b) Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made.

(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

SECTION 13. (a) A party to a child-custody proceeding, including a modification proceeding, or a petitioner or respondent in a proceeding to enforce or register a child-custody determination, is not subject to personal jurisdiction in this state for another proceeding or purpose solely by reason of having participated, or of having been physically present for the purpose of participating, in the proceeding.

(b) A person who is subject to personal jurisdiction in this state on a basis other than physical presence is not immune from service of process in this state. A party present in this state who is subject to the jurisdiction of another state is not immune from service of process allowable under the laws of that state.

(c) The immunity granted by subsection (a) does not extend to civil litigation based on acts unrelated to the participation in a proceeding under this act committed by an individual while present in this state.

SECTION 14. (a) A court of this state may communicate with a court in another state concerning a proceeding arising under this act.

(b) The court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, they must be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.

(c) Communication between courts on schedules, calendars, court records, and similar matters may occur without informing the parties. A record need not be made of the communication.

(d) Except as otherwise provided in subsection (c), a record must be made of a communication under this section. The parties must be informed promptly of the communication and granted access to the record.

(e) For the purposes of this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

SECTION 15. (a) In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in this state for testimony taken in another state. The court on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony is taken.

(b) A court of this state may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means before a designated court or at another location in that state. A court of this state shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.

(c) Documentary evidence transmitted from another state to a court of this state by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

SECTION 16. (a) A court of this state may request the appropriate court of another state to:

(1) hold an evidentiary hearing;

(2) order a person to produce or give evidence pursuant to procedures of that state;

(3) order that an evaluation be made with respect to the custody of a child involved in a pending proceeding;

(4) forward to the court of this state a certified copy of the transcript of the record of the hearing, the evidence otherwise presented, and any evaluation prepared in compliance with the request; and

(5) order a party to a child-custody proceeding or any person having physical custody of the child to appear in the proceeding with or without the child.

(b) Upon request of a court of another state, a court of this state may hold a hearing or enter an order described in subsection (a).

(c) Travel and other necessary and reasonable expenses incurred under subsections (a) and (b) may be assessed against the parties according to the law of this state.

(d) A court of this state shall preserve the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a child-custody proceeding until the child attains eighteen (18) years of age. Upon appropriate request by a court or law enforcement official of another state, the court shall forward a certified copy of those records.

SECTION 17. (a) Except as otherwise provided in section 20, a court of this state has jurisdiction to make an initial child custody determination only if:

(1) this state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six (6) months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;

(2) a court of another state does not have jurisdiction under paragraph (1), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 22 or 23 of this part, and:

(A) the child and the child's parents, or the child and at least one (1) parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and

(B) substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships;

(3) all courts having jurisdiction under paragraph (1) or (2) of this section have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under section 22 or 23 of this part; or

(4) no court of any other state would have jurisdiction under the criteria specified in paragraph (1), (2), or (3).

(b) Subsection (a) is the exclusive jurisdictional basis for making a child-custody determination by a court of this state.

(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child-custody determination.

SECTION 18.

(a) Except as otherwise provided in section 20, a court of this state which has made a child-custody determination consistent with this act has exclusive, continuing jurisdiction over the determination until:

(1) a court of this state determines that neither the child, nor the child and one (1) parent, nor the child and a person acting as a parent have a significant connection with this state and that substantial evidence is no longer available in this state concerning the child's care, protection, training, and personal relationships; or

(2) a court of this state or a court of another state determines that the child, the child's parents, and any person acting as a parent do not presently reside in this state.

(b) A court of this state which has made a child-custody determination and does not have exclusive, continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under section 17.

SECTION 19. Except as otherwise provided in section 20 of this part, a court of this state may not modify a child-custody determination made by a court of another state unless a court of this state has jurisdiction to make an initial determination under section 17(a)(1) or (2) of this part, and:

(1) the court of the other state determines it no longer has exclusive, continuing jurisdiction under section 18 or that a court of this state would be a more convenient forum under section 22 of this part; or

(2) a court of this state or a court of the other state determines that the child, the child's parents, and any person acting as a parent do not presently reside in the other state.

SECTION 20. (a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

(b) If there is no previous child custody determination that is entitled to be enforced under this act and a child custody proceeding has not been commenced in a court of a state having jurisdiction under sections 17 through 19 of this part, a child-custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 17 through 19 of this part. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 17 through 19 of this part, a child custody determination made under this section becomes a final determination, if it so provides and this state becomes the home state of the child.

(c) If there is a previous child custody determination that is entitled to be enforced under this act, or a child-custody proceeding has been commenced in a court of a state having jurisdiction under sections 17 through 19 of this part, any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 17 through 19 of this part. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.

(d) A court of this state which has been asked to make a child-custody determination under this section, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of a state having jurisdiction under sections 17 through 19 of this part, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to sections 17 through 19 of this part, upon being informed that a child custody proceeding has been commenced in, or a child-custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

SECTION 21. (a) Before a child-custody determination is made under this act, notice and an opportunity to be heard in accordance with the standards of section 12 must be given to all persons entitled to notice under the law of this state as in child-custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.

(b) This act does not govern the enforceability of a child-custody determination made without notice or an opportunity to be heard.

(c) The obligation to join a party and the right to intervene as a party in a child-custody proceeding under this act are governed by the law of this state as in child-custody proceedings between residents of this state.

SECTION 22. (a) Except as otherwise provided in section 20, a court of this state may not exercise its jurisdiction under this part if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child has been commenced in a court of another state having jurisdiction substantially in conformity with this act, unless the proceeding has been terminated or is stayed by the court of the other state because a court of this state is a more convenient forum under section 23 of this part.

(b) Except as otherwise provided in section 20 of this part, a court of this state, before hearing a child custody proceeding, shall examine the court documents and other information supplied by the parties pursuant to section 25 of this part. If the court determines that a child-custody proceeding has been commenced in a court in another state having jurisdiction substantially in accordance with this act, the court of this state shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with this act does not determine that the court of this state is a more appropriate forum, the court of this state shall dismiss the proceeding.

(c) In a proceeding to modify a child-custody determination, a court of this state shall determine whether a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce a child-custody determination has been commenced in another state, the court may:

(1) stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying, or dismissing the proceeding for enforcement;

(2) enjoin the parties from continuing with the proceeding for enforcement; or

(3) proceed with the modification under conditions it considers appropriate.

SECTION 23. (a) A court of this state which has jurisdiction under this act to make a child-custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon motion of a party, the court's own motion, or request of another court.

(b) Before determining whether it is an inconvenient forum, a court of this state shall consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:

(1) the length of time the child has resided outside this state;

(2) the distance between the court in this state and the court in the state that would assume jurisdiction;

(3) the relative financial circumstances of the parties;

(4) any agreement of the parties as to which state should assume jurisdiction;

(5) the nature and location of the evidence required to resolve the pending litigation, including testimony of the child;

(6) the ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and

(7) whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child; and

(8) the familiarity of the court of each state with the facts and issues in the pending litigation.

(c) If a court of this state determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a child-custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.

(d) A court of this state may decline to exercise its jurisdiction under this act if a child-custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

SECTION 24.

(a) Except as otherwise provided in section 20, or by other law of this state, if a court of this state has jurisdiction under this act because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless:

(1) the parents and all persons acting as parents have acquiesced in the exercise of jurisdiction;

(2) a court of the state otherwise having jurisdiction under sections 17 through 19 determines that this state is a more appropriate forum under section 23; or

(3) no court of any other state would have jurisdiction under the criteria specified in sections 17 through 19.

(b) If a court of this state declines to exercise its jurisdiction pursuant to subsection (a), it may fashion an appropriate remedy to ensure the safety of the child and prevent a repetition of the unjustifiable conduct, including staying the proceeding until a child custody proceeding is commenced in a court having jurisdiction under sections 17 through 19.

(c) If a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction pursuant to subsection (a), it shall assess against the party seeking to invoke its jurisdiction necessary and reasonable expenses including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees are sought establishes that the assessment would be clearly inappropriate. The court may not assess fees, costs, or expenses against this state unless authorized by law other than this act.

SECTION 25.

(a) Subject to the provisions of Tennessee Code Annotated, Section 36-4-106(b), in a child-custody proceeding, each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last five (5) years, and the names and present addresses of the persons with whom the child has lived during that period. The pleading or affidavit must state whether the party:

(1) has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number, and the date of the child-custody determination, if any;

(2) knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding; and

(3) knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.

(b) If the information required by subsection (a) is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

(c) If the declaration as to any of the items described in subsection (a)(1) through (3) is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

(d) Each party has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

(e) If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of identifying information, the information must be sealed and may not be disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety, or liberty of the party or child and determines that the disclosure is in the interest of justice.

SECTION 26.

(a) In a child-custody proceeding in this state, the court may order a party to the proceeding who is in this state to appear before the court in person with or without the child. The court may order any person who is in this state and who has physical custody or control of the child to appear in person with the child.

(b) If a party to a child-custody proceeding whose presence is desired by the court is outside this state, the court may order that a notice given pursuant to section 21 include a statement directing the party to appear in person with or without the child and informing the party that failure to appear may result in a decision adverse to the party.

(c) The court may enter any orders necessary to ensure the safety of the child and of any person ordered to appear under this section.

(d) If a party to a child custody proceeding who is outside this state is directed to appear under subsection (b) or desires to appear personally before the court with or without the child, the court may require another party to pay reasonable and necessary travel and other expenses of the party so appearing and of the child.

SECTION 27. A court of this state may enforce an order for the return of the child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a child-custody determination.

SECTION 28. (a) A court of this state shall recognize and enforce a child-custody determination of a court of another state if the latter court exercised jurisdiction in substantial conformity with this act or the determination was made under factual circumstances meeting the jurisdictional standards of this act and the determination has not been modified in accordance with this act.

(b) A court of this state may utilize any remedy available under other law of this state to enforce a child-custody determination made by a court of another state. The remedies provided in this part are cumulative and do not affect the availability of other remedies to enforce a child-custody determination.

SECTION 29. (a) A court of this state which does not have jurisdiction to modify a child-custody determination, may issue a temporary order enforcing:

(1) a visitation schedule made by a court of another state;

or

(2) the visitation provisions of a child-custody determination of another state that does not provide for a specific visitation schedule.

(b) If a court of this state makes an order under subsection (a)(2), it shall specify in the order a period that it considers adequate to allow the petitioner to obtain an order from a court having jurisdiction under the criteria specified in this part. The order remains in effect until an order is obtained from the other court or the period expires.

SECTION 30. (a) A child-custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to the appropriate court in this state:

(1) a letter or other document requesting registration;

(2) two (2) copies, including one (1) certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(3) except as otherwise provided in section 25, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child-custody determination sought to be registered.

(b) On receipt of the documents required by subsection (a), the registering court shall:

(1) cause the determination to be filed as a foreign judgment, together with one (1) copy of any accompanying documents and information, regardless of their form; and

(2) serve notice upon the persons named pursuant to subsection (a)(3) and provide them with an opportunity to contest the registration in accordance with this section.

(c) The notice required by subsection (b)(2) must state that:

(1) a registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this state;

(2) a hearing to contest the validity of the registered determination must be requested within twenty (20) days after service of notice; and

(3) failure to contest the registration will result in confirmation of the child-custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

(d) A person seeking to contest the validity of a registered order must request a hearing within twenty (20) days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(1) the issuing court did not have jurisdiction under this act;

(2) the child-custody determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so under this act; or

(3) the person contesting registration was entitled to notice, but notice was not given in accordance with the standards of section 12, in the proceedings before the court that issued the order for which registration is sought.

(e) If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served must be notified of the confirmation.

(f) Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

SECTION 31. (a) A court of this state may grant any relief normally available under the law of this state to enforce a registered child-custody determination made by a court of another state.

(b) A court of this state shall recognize and enforce, but may not modify, except in accordance with this act, a registered child-custody determination of a court of another state.

SECTION 32. If a proceeding for enforcement under this part is commenced in a court of this state and the court determines that a proceeding to modify the determination is pending in a court of another state having jurisdiction to modify the determination under this act, the enforcing court shall immediately communicate with the modifying court. The proceeding for enforcement continues unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.

SECTION 33. (a) A petition under this part must be verified. Certified copies of all orders sought to be enforced and of any order confirming registration must be attached to the petition. A copy of a certified copy of an order may be attached instead of the original.

(b) A petition for enforcement of a child-custody determination must state:

(1) whether the court that issued the determination identified the jurisdictional basis it relied upon in exercising jurisdiction and, if so, what the basis was;

(2) whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision must be enforced under this act and, if so, identify the court, the case number, and the nature of the proceeding;

(3) whether any proceeding has been commenced that could affect the current proceeding, including proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding;

(4) the present physical address of the child and the respondent, if known;

(5) whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officials and, if so, the relief sought; and

(6) if the child custody determination has been registered and confirmed under section 30 of this part, the date and place of registration.

(c) Upon the filing of a petition, the court shall issue an order directing the respondent to appear in person with or without the child at a hearing and may enter any order necessary to ensure the safety of the parties and the child. The hearing must be held on the next judicial day after service of the order unless that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The court may extend the date of hearing at the request of the petitioner.

(d) An order issued under subsection (c) must state the time and place of the hearing and advise the respondent that at the hearing the court will order that the petitioner may take immediate physical custody of the child and the payment of fees, costs, and expenses under section 37 of this part, and may schedule a hearing to determine whether further relief is appropriate, unless the respondent appears and establishes that:

(1) the child-custody determination has not been registered and confirmed under section 30 of this part and that:

(A) the issuing court did not have jurisdiction under this act;

(B) the child-custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction to do so under this act;

(C) the respondent was entitled to notice, but notice was not given in accordance with the standards of Section 12, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child-custody determination for which enforcement is sought was registered and confirmed under section 30 of this part, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under this act.

SECTION 34. Except as otherwise provided in section 36 of this part, the petition and order must be served, by any method authorized by the law of this state, upon respondent and any person who has physical custody of the child.

SECTION 35. (a) Unless the court issues a temporary emergency order pursuant to section 20 of this part, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

(1) the child-custody determination has not been registered and confirmed under section 30 and that:

(A) the issuing court did not have jurisdiction under this act;

(B) the child-custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under this act; or

(C) the respondent was entitled to notice, but notice was not given in accordance with the standards of section 12, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child-custody determination for which enforcement is sought was registered and confirmed under section 30 of this part but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under this act.

(b) The court shall award the fees, costs, and expenses authorized under section 37 of this part and may grant additional relief, including a request for the assistance of law enforcement officials, and set a further hearing to determine whether additional relief is appropriate.

(c) If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

(d) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under this part.

SECTION 36. (a) Upon the filing of a petition seeking enforcement of a child-custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is immediately likely to suffer serious physical harm or be removed from this state.

(b) If the court, upon the testimony of the petitioner or other witness, finds that the child is imminently likely to suffer serious physical harm or be removed from this state, it may issue a warrant to take physical custody of the child. The petition must be heard on the next judicial day after the warrant is executed unless that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The application for the warrant must include the statements required by section 33(b) of this part.

(c) A warrant to take physical custody of a child must:

(1) recite the facts upon which a conclusion of imminent serious physical harm or removal from the jurisdiction is based;

(2) direct law enforcement officers to take physical custody of the child immediately; and

(3) provide for the placement of the child pending final relief.

(d) The respondent must be served with the petition, warrant, and order immediately after the child is taken into physical custody.

(e) A warrant to take physical custody of a child is enforceable throughout this state. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

(f) The court may impose conditions upon placement of a child to ensure the appearance of the child and the child's custodian.

SECTION 37. (a) The court may award the prevailing party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings. The court may assess fees, costs, or expenses against a state pursuant to the provisions of this act.

SECTION 38. A court of this state shall accord full faith and credit to an order issued by another state and consistent with this act which enforces a child-custody determination by a court of another state unless the order has been vacated, stayed, or modified by a court having jurisdiction to do so under this act.

SECTION 39. An appeal may be taken from a final order in a proceeding under this part in accordance with the Rules of Appellate Procedure and may be accelerated under Rule 13, Rules of the Court of Appeals. Unless the court enters a temporary emergency order under section 20, the enforcing court may not stay an order enforcing a child-custody determination pending appeal.

SECTION 40. (a) In a case arising under this act or involving the Hague Convention on the Civil Aspects of International Child Abduction, the prosecutor or other appropriate public official may take any lawful action, including resort to a proceeding under this part or any other available civil proceeding to locate a child, obtain the return of a child, or enforce a child-custody determination if there is:

- (1) an existing child-custody determination;
- (2) a request to do so from a court in a pending child-custody proceeding;
- (3) a reasonable belief that a criminal statute has been violated; or
- (4) a reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.

(b) A prosecutor or appropriate public official acting under this section acts on behalf of the court and may not represent any party.

SECTION 41. At the request of a prosecutor or other appropriate public official acting under section 40, of this part, a law enforcement officer may take any lawful action reasonably necessary to locate a child or a party and assist a prosecutor or appropriate public official with responsibilities under section 40 of this part.

SECTION 42. If the respondent is not the prevailing party, the court may assess against the respondent all direct expenses and costs incurred by the prosecutor or other appropriate public official and law enforcement officers under section 40 or 41.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

SECTION 43. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SECTION 44. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are several.

SECTION 45. A motion or other request for relief made in a child-custody proceeding or to enforce a child-custody determination which was commenced before the effective date of this act is governed by the law in effect at the time the motion or other request was made.

SECTION 46. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Children and Family Affairs Committee Amendment No. 1 was adopted.

Rep. McMillan moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1133 by redesignating the language of Section 25(e) of the printed bill as Section 25(e)(1) and by adding the following as Section 25(e)(2):

(e)(2) As used in this section, "identifying information" means the address of the child or other party with whom the child may reside, the social security number of the child, and the contents of the court custody proceeding that cannot be construed as containing the child's vital records.

Rep. Chumney requested that House Bill No. 1133 be moved to the heel of the Calendar.

***House Bill No. 1030** -- Law Enforcement - Deletes language "publicly maintained" from definition of "highways" for purposes of driver license enforcement. Amends TCA Section 55-50-102. by *Langster, *Jones, S.. (SB1227 by *Haynes, *Harper)

On motion, House Bill No. 1030 was made to conform with **Senate Bill No. 1227**; the Senate Bill was substituted for the House Bill.

Rep. Langster moved that Senate Bill No. 1227 be passed on third and final consideration.

Rep. Buck moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1227 by deleting the amendatory language of Section 1 and by substituting instead the following:

(28) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, or the premises of any shopping center, trailer park or apartment house complex or any other premises frequented by the public at large.

On motion, Amendment No. 1 was adopted.

Rep. Langster moved that **Senate Bill No. 1227**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes91
Noes0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 1196 -- Correctional Programs - Authorizes TRICOR to operate compensation plan for its employees. Amends TCA Title 41, Chapter 22. by *Pinion, *McKee, *Bone. (*SB863 by *Kyle)

Rep. Pinion moved that House Bill No. 1196 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1196 By deleting all of the language after the enacting clause and by substituting instead the following:

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

SECTION 1. Tennessee Code Annotated, Section 41-22-406(a)(1), is amended by deleting such subdivision in its entirety and by substituting instead the following:

(a)(1)(A) The board has such powers as are necessary to effectively carry out its mission as defined in § 41-22-403. It is the intent of the general assembly that the board should be as free as is possible to operate its facilities and to pursue its mission with the principles of free enterprise. Notwithstanding any law to the contrary, the board, with the approval of the commissioner of personnel, may adopt policies governing supplemental pay plans. Such plans shall reward performance of the employees of TRICOR and relate to the unique responsibilities of TRICOR.

(B) Any compensation awarded under this section shall not be considered as an addition to base pay and is further limited to the period outlined in the approved policy. Such supplemental pay policies shall ensure that funds are distributed in a fair manner without bias on account of race, color, sex, age, national origin or political affiliation.

(C) The supplemental pay policies shall be based on measurable criteria to reward performance. Pay plans shall be consistent with the mission of TRICOR and shall emphasize safety and security in the workplace.

(D) The guidelines and criteria for receiving supplemental pay shall be developed in the best interest of all TRICOR employees and the criteria shall be clearly communicated with all affected employees. Employee input will be considered in the development process.

(E) The select oversight committee on corrections shall review any proposed supplemental pay plan and shall make its comments to the commissioner of personnel prior to its implementation. Any such comment shall be made within thirty (30) days after receipt by the committee of the proposed supplemental pay plan.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Pinion moved that **House Bill No. 1196**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93
Noes0

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 376 -- Sunset Laws - State board for licensing alarm systems contractors, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 32. by *Kernell, *Garrett, *Brooks. (*SB130 by *Springer)

On motion, House Bill No. 376 was made to conform with **Senate Bill No. 130**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 130 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 130** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: McDonald -- 1.

A motion to reconsider was tabled.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

House Bill No. 409 -- Sunset Laws - Domestic violence state coordinating council, June 30, 2003; revises membership to require member from each congressional district. Amends TCA Title 4, Chapter 29, and Title 38, Chapter 12. by *Kernell, *Garrett, *Brooks. (*SB286 by *Springer, *Dixon, *Burks)

On motion, House Bill No. 409 was made to conform with **Senate Bill No. 286**; the Senate Bill was substituted for the House Bill.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 2.

Rep. Kernell moved that **Senate Bill No. 286** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92
Noes0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Bill No. 869** -- Ethics - Removes limit on candidate's expenditure of personal funds. Amends TCA Title 2, Chapter 10. by *Kerr. (SB1133 by *Clabough)

Rep. Kerr moved that House Bill No. 869 be passed on third and final consideration.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Turner (Hamilton) moved the previous question, which motion prevailed.

Rep. Kerr moved that **House Bill No. 869** be passed on third and final consideration, which motion failed by the following vote:

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Ayes	11
Noes	65
Present and not voting	14

Representatives voting aye were: Baird, Boyer, Davis (Washington), Fraley, Kernell, Kerr, McCord, McDaniel, Montgomery, Ridgeway, Sharp -- 11.

Representatives voting no were: Arriola, Beavers, Bittle, Black, Bone, Briley, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry J., Eckles, Ferguson, Fitzhugh, Givens, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kisber, Langster, Lewis, Maddox, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Walley, West, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 65.

Representatives present and not voting were: Brown, Buck, Bunch, Chumney, Dunn, Ford, Fowlkes, Godsey, McAfee, Patton, Towns, Walker, Westmoreland, Windle -- 14.

Pursuant to **Rule No. 63**, Rep. Arriola moved that House Bill No. 869, having received a constitutional majority in the negative, be rejected. Thereupon, the Speaker directed the Clerk to place the bill at the heel of the regular calendar set for May 19, 1999.

House Bill No. 1704 -- Motor Vehicles, Titling and Registration - Authorizes department of safety to administratively issue collegiate plates for two-year and four-year colleges and universities located within the several states and District of Columbia Amends TCA Title 55, Chapter 4. by *Fitzhugh, *Turner (Shelby). (*SB1122 by *Cooper)

Further consideration of House Bill No. 1704 previously considered on May 6, 1999 and May 12, 1999, at which time it was reset for today's Calendar.

Rep. Fitzhugh moved that House Bill No. 1704 be reset for the Regular Calendar on May 24, 1999, which motion prevailed.

***House Bill No. 470** -- Fences and Enclosures - Adds additional types of fencing to inventory of sufficient fences; deletes provisions requiring enclosure of cotton gins, saltpeter and saltworks; deletes provisions relative to grazing and ranging of livestock Amends TCA Title 44, Chapter 8. by *Givens, *Walker (Rhea). (SB658 by *Cooper, *Williams)

Further consideration of House Bill No. 470 previously considered on May 12, 1999, at which time it was reset for today's Calendar.

On motion, House Bill No. 470 was made to conform with **Senate Bill No. 658**; the Senate Bill was substituted for the House Bill.

Rep. Givens moved that **Senate Bill No. 658** be passed on third and final consideration, which motion prevailed by the following vote:

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Ayes91
Noes0
Present and not voting1

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Boyer -- 1.

A motion to reconsider was tabled.

***House Bill No. 136** -- Corporations, For Profit - Increases from 11 months to one year time period in which appointment of proxy is revocable. Amends TCA Title 48. by *Buck, *Odom, *Curtiss. (SB622 by *Elsea)

Rep. Buck moved that House Bill No. 136 be passed on third and final consideration.

Rep. Buck moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 136 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 48-21-106, is amended by designating the existing language of subsection (b) as (b)(1) and by adding the following new subsection (b)(2):

(2) If, prior to July 1, 1999, the merger or exchange is abandoned by the parties to the merger after articles of merger or exchange have been filed with the secretary of state and after the merger or exchange has become effective, a statement, executed on behalf of each party to the merger or exchange by an officer or other duly authorized representative, shall be filed with the secretary of state no later than July 1, 1999, stating that:

(A) The merger or exchange has been abandoned in accordance with the plan and this section;

(B) The statement is filed within twenty-four (24) months from the original effective date of the merger or exchange;

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

(C) The parties have filed Articles of Correction amending the effective date of the merger or exchange upon reasonable belief that the effective date of the merger would be delayed;

(D) The parties have continued to pay all Tennessee franchise and excise taxes from the effective date of the merger or exchange; and

(E) The cause of the abandonment was not known by the parties at the time of the original effective date of the merger or exchange.

SECTION 2. Tennessee Code Annotated, Section 48-21-106, is amended by deleting subsection (d) and substituting instead the following:

(d) Upon the filing of such statement by the secretary of state, the merger or exchange shall be deemed abandoned and shall not become effective, and, if the merger or exchange has become effective, the parties to the merger or exchange whose existence ceased pursuant to Tennessee Code Annotated, Section 48-21-108(a)(1) shall be reinstated.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 136**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

House Bill No. 911 -- Trusts - Clarifies and formally recognizes practice whereby trustees may take action with written consent of beneficiaries. Amends TCA Title 35, Chapter 50, Part 1. by *Fowlkes, *Bone, *Sands, *Hood, *Newton. (*SB528 by *Fowler)

On motion, House Bill No. 911 was made to conform with **Senate Bill No. 528**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 528 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 528 by deleting from subsection (a) of the amendatory language of Section 1, the words "the trustee" and by substituting instead the words "a corporate trustee"; and by deleting the words "a trustee" wherever they appear, and by substituting instead the words "a corporate trustee".

AND FURTHER AMEND by designating the first definitional paragraph of subsection (b) as item (2) and by adding as a new item (1) the following:

(1) "Corporate Trustee" means a state or national bank, savings institution, or trust company authorized to exercise fiduciary powers and regulated by the office of the comptroller of the currency, office of thrift supervision, the Tennessee department of financial institutions or equivalent state banking supervisors.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Fowlkes moved that **Senate Bill No. 528** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

House Bill No. 792 -- Courts, Juvenile - Authorizes juvenile courts to report identifying information to council of juvenile and family court judges so that council may more accurately track recidivism rates and other pertinent trends; requires council to protect confidentiality of such identifying information. Amends TCA Section 37-1-506. by *Walley. (*SB568 by *Person, *Williams)

On motion, House Bill No. 792 was made to conform with **Senate Bill No. 568**; the Senate Bill was substituted for the House Bill.

Rep. Walley moved that Senate Bill No. 568 be passed on third and final consideration.

On motion, Rep. Chumney withdrew Children and Family Affairs Committee Amendment No. 1.

On motion, Rep. Chumney withdrew Children and Family Affairs Committee Amendment No. 2.

Rep. Walley moved that **Senate Bill No. 568** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92
Noes0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 1208 -- Tattoo Parlors and Piercing Establishments - Regulates practice of body piercing. Amends TCA Title 62. by *DeBerry J. (*SB1012 by *Ford J)

Rep. J. DeBerry moved that House Bill No. 1208 be passed on third and final consideration.

Rep. Pruitt moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1208 by deleting in its entirety all language following the enacting clause and by substituting instead the following language:

SECTION 1. As used in this act:

(1) "Antibacterial" means any substance used to retard the growth of bacteria approved for application to human skin and includes all products so labeled.

(2) "Apprentice body piercing technician" means any person who has limited approval to engage in the practice/service of body piercing regardless of the type of body ornament or area to be pierced.

(3) "Approval" means written approval from the commissioner indicating that the body piercing establishment has been inspected and meets all terms of this act;

(4) "Body piercing" means the piercing of any part of the body by someone other than a physician licensed under Tennessee Code Annotated, Title 63, who utilizes a needle or other instrument for the purpose of inserting an object into the body for non-medical purposes; body piercing includes ear piercing except when the ear piercing procedure is performed on the ear with an ear piercing gun.

(5) "Body piercing establishment" means any place whether temporary or permanent, stationary or mobile, wherever situated, where body piercing is performed including any area under the control of the body piercing operator.

(6) "Body piercing operator" means any person who controls, operates, conducts or manages any body piercing establishment, whether actually engaging in body piercing or not.

(7) "Body piercing establishment permit" means the issuance of a written permit, issued by the commissioner, to a body piercing establishment stating that such establishment, after inspection, was found to be in compliance with this act.

(8) "Body piercing technician" means any person who engages in the practice/service of body piercing regardless of the type of body ornament or area to be pierced.

(9) "Body piercing technician license" means the issuance of a state license authorizing the person named therein to engage in the practice/service of body piercing in the State of Tennessee after fulfilling the requirements of this act:

(10) "Business" means any entity that provides body piercing services.

(11) "Commissioner" means the commissioner of the department of health.

(12) "Department" means the department of health.

(13) "Disinfectant" means a substance intended to destroy or inactivate specific viruses, bacteria or fungi on clean inanimate surfaces or commercially labeled disinfectant.

(14) "Ear piercing gun" means a mechanical device that pierces the ear by forcing a sterile, disposable, single-use stud or solid needle through the ear.

(15) "License" means the issuance of a license to perform body piercing to any individual, partnership, firm, association or corporation.

(16) "Patron" means a person requesting and receiving body piercing services or ear piercing services by an ear piercing gun.

(17) "Permit" means the issuance of a permit to operate a body piercing establishment.

(18) "Sterilization" means holding in an autoclave for fifteen (15) minutes at fifteen pounds (15 lbs.) pressure, and at a temperature of two hundred fifty degrees Fahrenheit (250 degrees F) or one hundred twenty-one degrees Celsius (121 degrees C).

(19) "Temporary" means for a period not to exceed fourteen (14) days.

(20) "Universal precautions" means that all blood and body fluids are treated as to contain all blood-borne pathogens and taking proper precautions to prevent the spread of any blood-borne pathogens.

SECTION 2.

(a) No person shall perform a body piercing procedure in a manner that does not meet the standards for appropriate disinfection and sterilization of invasive equipment or parts of equipment used in performing the procedures established by this act and the rules adopted under this act.

(b) No person shall operate a body piercing establishment unless such person is licensed with the state as an operator or as a technician, and the establishment has been issued an establishment permit by the commissioner. No establishment permit shall be issued or renewed unless the establishment has been inspected and found to be in compliance by the commissioner. A fee of fifty dollars (\$50.00) shall be submitted annually to the commissioner along with an application for renewal of the establishment permit.

(c) An establishment permit shall expire on December 31 of each year.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

(d) The commissioner shall inspect each body piercing establishment a minimum of two (2) times per year to ensure compliance with this act.

(e) Body piercing establishment violations shall be classified into two (2) categories: critical and minor. Body piercing establishments found to have critical violations shall be subject to a one hundred dollar (\$100.00) civil penalty and, if deemed necessary, the immediate shutdown of such body piercing establishment. Reinspection for a critical violation shall be within seven (7) days, at which time the body piercing establishment may be re-opened if such establishment is found to be in compliance. If three (3) critical violations are committed within the period of one (1) year (calendar or otherwise), the body piercing establishment's permit may be revoked.

(f) Minor violations means all other violations of this part. Body piercing establishments with minor violations shall be subject to a twenty-five dollar (\$25.00) civil penalty, and shall have fourteen (14) days to address and correct such violations. Re-inspection for minor violation shall be at the discretion of the commissioner.

(g) A violation may be reviewed by the commissioner upon written request of the licensee committing such violation. A request for review by the commissioner shall be made in writing within ten (10) days of receipt of notification of such violation. The commissioner should respond to this review within fourteen (14) days.

(h) Critical violations shall include violations which present a significant or serious threat to the health or safety of patrons or the public. The commissioner of health may define specific violations by rule.

(i) In all instances of violations, the commissioner shall give written notice to the body piercing operator specifying the violations and measures that are necessary to correct such violations. A copy of this notice/inspection sheet shall be signed by the establishment and retained by the commissioner. Payment of all applicant fees, penalties, and/or fines shall be payable to the commissioner for administrative costs.

(j) Any establishment which is engaged in the practice of body piercing on October 1, 1999, shall submit an application for a permit no later than December 1, 1999.

SECTION 3.

(a) The permit fee to operate a body piercing establishment in this state shall be in accordance with the following schedule:

(1) Body piercing establishments shall pay an annual permit fee of fifty dollars (\$50.00).

(2) Temporary body piercing establishments shall pay a permit fee of fifty dollars (\$50.00).

(b) The permit fee shall be paid to the commissioner before a permit is issued.

SECTION 4.

(a) To receive approval to offer body piercing services, a business must demonstrate to the commissioner the ability to meet the requirements established by this act and the rules adopted under this act for safe performance of the body piercing procedures, training of the individuals who perform the procedures, and maintenance of records.

(b) No person shall operate a business that offers body piercing services unless the commissioner has approved the business pursuant to this act. No person shall perform a body piercing procedure in a way that does not meet the safety and sanitation standards established pursuant to this act.

(c) No person shall engage in the practice of body piercing or act as a body piercing technician unless such person has registered with the department of health. A statewide body piercing technician license shall be issued and is transferable, within the State of Tennessee, to any establishment holding a current establishment permit issued by the commissioner.

(d) No holder of an establishment permit issued under this part shall allow a body piercing technician to engage in body piercing unless the body piercing technician:

- (1) Has attained the age of eighteen (18);
- (2) Currently holds a body piercing technician license;
- (3) Has applied for a fourteen-day temporary permit; or
- (4) Has an apprentice technician license.

(e) Any person desiring to engage in the practice of body piercing shall submit an application to the department of health or its designee. There shall be three (3) types of body piercing technician licenses: body piercing technician, apprentice technician, and temporary technician. All body piercing technician and apprentice technician licenses shall expire on December 31 of each year. A fee of fifty dollars (\$50.00) shall be submitted annually to the commissioner for each individual technician license.

(f) All body piercing shall be under the auspices of a body piercing establishment holding a current establishment permit issued by the commissioner.

(g) Each body piercing operator or body piercing technician shall, before receiving a permit to operate a body piercing establishment or to practice body piercing, undergo a training program to include:

(1) A state health department program;

(2) A course approved by the health department in methods and techniques for the proper sterilization of instruments and materials used in body piercing; or

(3) Present acceptable evidence of having satisfactorily completed a course of instruction in sterilization techniques and methods from a college/medical sterilization course.

(h) The body piercing operator and/or body piercing technician shall be required to take and pass an examination concerning the provisions of this part before a body piercing technician license shall be issued. Such examination shall be a written examination prescribed by the commissioner. After passing such examination and complying with the other provisions of this act, a license shall be issued.

(i) In order to receive a body piercing license, the prospective technician shall be trained in the profession of body piercing in a certified shop for at least one (1) year, under a currently licensed body piercing technician who has been certified and operating in compliance with applicable laws in Tennessee for not less than three (3) years. Out of state body piercing technicians must be able to show proof of at least two (2) years experience as a professional body piercing technician in another state (business license, tax records, or other such documents may be used to show proof of prior work). Technicians currently in business in Tennessee on October 1, 1999, shall be exempt from the provisions of this paragraph.

(j) An apprentice technician license shall be issued if a technician is unable to comply with any of the provisions of this part. A technician shall remain an apprentice technician until all qualifications or provisions of this part have been met.

(k) A body piercing operator shall, unless registered as a body piercing technician, register with the department of health and shall comply with all provisions of this part, except for paragraph (l). The fee for such operator license shall be twenty-five dollars (\$25.00) payable to the commissioner.

(l) To renew a license as a body piercing technician, an applicant shall submit a fee of fifty dollars (\$50.00) before the expiration of such license.

(m) A penalty of twenty-five dollars (\$25.00) shall be imposed upon each late application for technician licensure or establishment permit that is more than thirty (30) days past due. No late renewal of licensure shall be accepted more than one (1) year after the expiration of such licensure.

(n) An applicant whose license has expired for more than one (1) year must re-apply for licensure pursuant to subsection (l).

SECTION 5. It is the duty of the owner or operator of a body piercing establishment to post the current establishment permit in a conspicuous place where it may be readily observed by the public.

SECTION 6. The commissioner shall conduct at least one (1) inspection of a business prior to approving the business under this act to offer body piercing services. The commissioner may conduct additional inspections as necessary for the approval process. The commissioner may inspect an approved business at any time the commissioner considers necessary. In an inspection, the commissioner shall be given access to the business' premises and to all records relevant to the inspection.

SECTION 7.

(a) No person shall perform a body piercing procedure, or ear piercing procedure with an ear piercing gun, on an individual who is under eighteen (18) years of age except as provided for in subsection (b) of this section.

(b) A parent, guardian, or custodian of an individual under age eighteen (18) who desires to give consent to a business to perform on the individual under age eighteen (18) a body piercing procedure, or ear piercing procedure performed with an ear piercing gun, shall do both of the following:

(1) appear in person at the business at the time the procedure is performed; and

(2) sign a document provided by the business that gives consent and explains the manner in which the procedure will be performed and the methods for proper care of the affected body area following performance of the procedure.

SECTION 8.

(a)(1) Unless consent has been given in accordance with Section 7, no individual who is under age eighteen (18) shall obtain or attempt to obtain a body piercing service, or ear piercing service performed with an ear piercing gun.

(2) No individual shall knowingly show or give false information as to the name, age, or other identification of an individual who is under the age of eighteen (18) for the purpose of obtaining for the individual under age eighteen (18) a body piercing service, or ear piercing service performed with an ear piercing gun.

(b)(1) No individual shall knowingly show or give any false information as to the name, age or other identification of an individual who is under the age eighteen (18) for the purpose of obtaining for the individual under age eighteen (18) a body piercing service, or ear piercing service performed with an ear piercing gun.

(2) No individual shall impersonate the parent, guardian, or custodian of an individual who is under eighteen (18) for the purpose of obtaining for the individual under age eighteen (18) a body piercing service, or ear piercing service performed with an ear piercing gun.

SECTION 9. An operator or employee of a business that performs body piercing services, or ear piercing services performed with an ear piercing gun, may not be found guilty of a violation of Section 7(a) or any rule in which age is an element of the provisions of the rule if the court of record finds all of the following:

(1) that the individual obtaining a body piercing service or ear piercing service performed with an ear piercing gun at the time of so doing exhibited to the operator or employee of the body piercing or ear piercing business, a driver license or commercial driver license showing that the individual was then at least age eighteen (18).

(2) that the operator made a bona fide effort to ascertain the true age of the individual obtaining a body piercing or ear piercing service by checking the identification presented at the time of the service to ascertain that the description on the identification compared with the appearance of the individual and that the identification had not been altered in any way; and

(3) that the operator or employee had reason to believe that the individual obtaining a body piercing or ear piercing service was at least age eighteen (18).

SECTION 10.

(a) Each operator of a business that offers body piercing services shall do all of the following:

(1) maintain procedures for ensuring that the individuals who perform body piercing procedures are adequately trained to perform the procedures properly;

(2) comply with the safety and sanitation requirements for preventing transmission of infectious diseases;

(3) require the individuals who perform body piercing procedures to disinfect and sterilize all invasive equipment or parts of equipment used in performing the procedures; and

(4) ensure monthly microbiological monitoring of the autoclave. The operator shall maintain documentation that the monthly tests are being performed.

SECTION 11.

(a) Not later than ninety (90) days after the effective date of this act, the commissioner shall promulgate rules in accordance with Tennessee Code Annotated, Title 4, Chapter 5, as necessary for the implementation and enforcement of this act. The rules shall include all of the following:

(1) safety and sanitation standards and procedures to be followed to prevent the transmission of infectious diseases during the performance of body piercing procedures;

(2) standards and procedures to be followed for appropriate disinfection and sterilization of all invasive equipment or parts of equipment in body piercing procedures; and

(3) procedures for suspending and revoking approvals.

(b) The rules adopted under subdivision (a)(1) of this section shall establish universal blood and body fluid precautions to be used by any individual who performs body piercing procedures.

(c) The rules adopted under subsection (a)(2) of this section may include standards and procedures to be followed by a business that offers body piercing services to ensure that the individuals who perform body piercing procedures for the business are adequately trained to perform the procedures properly.

SECTION 12.

(a) No person shall operate a business offering body piercing services without first obtaining approval from the commissioner.

(b) Persons seeking approval to operate a business offering body piercing services shall apply to the commissioner, on forms the commissioner shall prescribe and provide. The applicant shall submit all applicable fees and information the commissioner determines is necessary to process the application. Information requested by the commissioner as part of the application process shall include, but not be limited to, the following:

(1) if the operator is an individual, that operator's name, address, telephone number, business address, and business telephone number. If the operator is an association, corporation or partnership, the address and telephone number of the entity;

(2) plans and specifications of the place of business to clearly show that applicable provisions of the rules in this chapter can be met and shall include the following:

(A) the total areas to be used for the business.

(B) entrances and exits.

(C) number, location and types of plumbing fixtures, including all water supply facilities.

(D) a lighting plan.

(E) a floor plan showing the general layout of fixtures and equipment; and

(F) listing of all equipment to be used;

(3) evidence that the operator shall perform the following functions:

(A) the operator shall maintain procedures ensuring that all persons performing body piercing services on the business premises have received appropriate training in body piercing;

(B) the operator shall maintain procedures ensuring that all persons performing body piercing services for the business shall have received training as evidenced by records of completion, courses or seminars provided by licensed physicians, registered nurses, organizations such as the American Red Cross, accredited learning institutions, appropriate governmental entities, or other authorities recognized by the commissioner as being qualified to provide training in the following:

(i) first aid;

(ii) safety and sanitation requirements for preventing transmission of infectious diseases;

(iii) universal precautions against blood-borne pathogens;

(iv) appropriate piercing aftercare;

(C) the operator shall maintain written records of equipment utilized by the business, including manufacturer and model numbers;

(D) the operator shall maintain procedures ensuring that persons performing body piercing services on the premises of the business shall disinfect and sterilize all non-disposable equipment or parts of equipment used in performing procedures;

(E) the operator shall maintain procedures ensuring the performance of monthly biological monitoring tests of the business's heat sterilization devices:

(i) maintenance of a log of all tests performed, the date of each test and the name of the person or independent testing entity performing the test; and

(ii) procedures for remedial action on the part of the operator to assure compliance with all sterilization requirements in the event a test indicates a heat sterilization device is not functioning properly. The operator shall maintain records of microbiological monitoring testing for at least two (2) years;

(F) the operator shall maintain procedures ensuring the general health and safety of all individuals employed by the business;

(4) the operator shall identify any previous, current or similar approvals held by the operator for piercing services; and

(5) the operator shall provide evidence and documentation of all applicable fee payments, inspections and approvals.

(c) Approval is not transferable. Any permanent change in address or change in ownership shall require the operator to apply for approval, with payment of all fees established by the commissioner.

(d) The commissioner may approve a body piercing business for the purposes of operating on a temporary basis, in conjunction with a specific event. Temporary body piercing establishments may be permitted at such events as fairs, and other temporary gatherings of people, if the commissioner determines that the operator can substantially meet provisions contained in these rules. For the purpose of this approval, the following shall occur:

(1) Businesses having current approval or permits from the commissioner shall apply for temporary approval from the commissioner. The commissioner shall conduct an inspection of the site in which the operator intends to conduct the temporary business to ensure compliance with the rules.

(2) Businesses which do not have current approval from the commissioner shall apply for temporary approval from the commissioner. The applicant shall submit all applicable fees and information the commissioner determines necessary to process the application. Information requested shall assure the commissioner that the business is capable of meeting the provisions of these rules for temporary approval.

(e) The approval of a business may be renewed annually by the commissioner. Establishment permits and operator licenses shall be renewed annually following assurances that all conditions set forth by this act and the rules of this act have continued to be met, and the payment of all applicable fees set by the commissioner have been received.

SECTION 13.

(a) Any person who does not obtain a permit as required in Section 2 or whose permit has been revoked or suspended and who continues to perform body piercing or operate a body piercing establishment commits a Class B misdemeanor punishable only by a fine of five hundred dollars (\$500.00).

(b) Any suspension or revocation may be appealed to the commissioner who shall then conduct a hearing of such appeal in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. Appeals of any final decision after a hearing shall be in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. Appeals made to the commissioner in contract counties operating under Section 14 shall be for the limited purpose of determining whether a material error of law was made at the county level.

SECTION 14. The commissioner may enter into an agreement or contract with county health departments whereby the county health departments would implement the provisions of this part or its equivalent in their respective jurisdiction if the commissioner deems it to be appropriate; provided, that the following conditions shall apply:

(a) State reporting requirements must be met by the county health departments;

(b) The county health department program standards must be at least as stringent as those of the state law and regulations;

(c) The commissioner shall retain the right to exercise oversight and evaluation of performance of the county health department(s) and terminate the agreement(s) or contract(s) for cause immediately, or otherwise upon reasonable notice;

(d) The commissioner may set other fiscal, administrative, or program requirements as the commissioner deems necessary to maintain consistency and integrity of the statewide program;

(e) Staffing and resources must be adequate to implement and enforce the program in the local jurisdiction; and

(f) Ninety percent (90%) of the permit fees collected within the contract county shall be conveyed by contract to the county health department(s) to assist such county health department(s) in implementing the program in the local jurisdiction. The above amount shall be calculated according to actual fees collected during the state's preceding fiscal year in which the contract was entered.

SECTION 15.

(a) This part shall supersede all county and local regulations concerning body piercing to give uniformity in compliance within this state.

(b) This part does not apply to any physician or any person under the supervision of a physician who is licensed to practice medicine in this state.

SECTION 16. The commissioner of health is authorized to promulgate rules and regulations to implement the provisions of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 17. A violation of this act is a Class C misdemeanor, except as otherwise provided.

SECTION 18. This act shall take effect on becoming a law for rulemaking purposes and on January 1, 2000 for all other purposes, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. J. DeBerry moved that **House Bill No. 1208**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes91
Noes0

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 1814 -- Municipal Government - Allows board of commissioners to authorize city manager to enter into contracts on behalf of city in routine matters. Amends TCA Title 6, Chapter 19 and Title 6, Chapter 21. by *Sargent. (*SB840 by *Blackburn)

On motion, House Bill No. **1814** was made to conform with **Senate Bill No. 840**; the Senate Bill was substituted for the House Bill.

Rep. Sargent moved that Senate Bill No. 840 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Sargent moved that **Senate Bill No. 840** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

***House Bill No. 1856** -- Planning, Public - Requires that removal of member of local neighborhood development corporation by Tennessee neighborhood development corporation be for cause. Amends TCA Title 13, Chapter 13, Section 104. by *Sargent. (SB1777 by *Miller J)

On motion, House Bill No. 1856 was made to conform with **Senate Bill No. 1777**; the Senate Bill was substituted for the House Bill.

Rep. Sargent moved that **Senate Bill No. 1777** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 415 -- Teachers, Principals and School Personnel - Enacts "Tennessee School Employee Religious Liberty Act of 1999." Amends TCA Title 49, Chapter 6. by *Fitzhugh, *Maddox, *Pinion, *Ridgeway, *Tidwell, *Cole (Dyer). (*SB240 by *Herron, *Dixon, *Williams, *Burks, *Kurita, *Kyle, *Graves, *Davis L)

On motion, House Bill No. 415 was made to conform with **Senate Bill No. 240**; the Senate Bill was substituted for the House Bill.

Rep. Fitzhugh moved that Senate Bill No. 240 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 240 by placing after the word "superintendent", wherever it appears, the words "or director of schools".

On motion, Education Committee Amendment No. 2 was adopted.

Rep. Fitzhugh moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 240 as amended, in the amendatory language of Section 1 in Section 49-6-8004(b)(3) by deleting the language "or contain a proselytizing message".

On motion, Amendment No. 3 was adopted.

Rep. Turner (Hamilton) moved the previous question, which motion prevailed.

Rep. Fitzhugh moved that **Senate Bill No. 240**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93
Noes0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 505 -- Paternity - Creates right of putative father to file petition under present legitimization statute, notwithstanding dismissal of petition under prior legitimization statute when dismissal was based on mother's marriage to another man at time of conception or on petitioner's lack of standing; doctrines of res judicata and collateral estoppel do not bar new action. Amends TCA Title 36, Chapter 2, Part 3. by *Black. (*SB510 by *Graves)

Rep. Black moved that House Bill No. 505 be reset for the Regular Calendar on May 19, 1999, which motion prevailed.

House Bill No. 343 -- Sunset Laws - Private investigation commission, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 26. by *Kernell, *Garrett, *Brooks. (*SB133 by *Springer)

On motion, House Bill No. 343 was made to conform with **Senate Bill No. 133**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 133 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Rep. Kernell moved that **Senate Bill No. 133** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92
Noes0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 344 -- Sunset Laws - Board of polygraph examiners, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 27. by *Kernell, *Garrett, *Brooks. (*SB131 by *Springer)

On motion, House Bill No. 344 was made to conform with **Senate Bill No. 131**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 131** be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 131** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92
Noes0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

House Bill No. 347 -- Sunset Laws - Private protective services board, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 35. by *Kernell, *Garrett, *Brooks. (*SB152 by *Springer)

On motion, House Bill No. 347 was made to conform with **Senate Bill No. 152**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 152 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 152** be passed on third and final consideration, which motion prevailed by the following vote:

A motion to reconsider was tabled.

Ayes	92
Noes	0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 362 -- Sunset Laws - Board of funeral directors and embalmers, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 5. by *Kernell, *Garrett, *Brooks. (*SB129 by *Springer)

On motion, House Bill No. 362 was made to conform with **Senate Bill No. 129**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 129 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 129 By deleting Section 2 in its entirety and by substituting instead the following:

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding a new item thereto, as follows:

() Board of funeral directors and embalmers, created by Section 62-5-201;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 129**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes91
Noes0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 384 -- Sunset Laws - Water and wastewater operators, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 221. by *Kernell, *Garrett, *Brooks, *Langster. (*SB118 by *Springer)

On motion, House Bill No. 384 was made to conform with **Senate Bill No. 118**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 118 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 118 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding a new item thereto, as follows:

() Water and wastewater operators, board of certification, created by Section 68-221-905;

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 118**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92

Noes0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 390 -- Sunset Laws - Department of agriculture, June 30, 2007. Amends TCA Title 4, Chapters 3 and 29. by *Kernell, *Garrett, *Brooks. (*SB139 by *Springer)

Rep. Kernell moved that House Bill No. 390 be reset for the Regular Calendar on May 26, 1999, which motion prevailed.

House Bill No. 391 -- Sunset Laws - Forestry commission, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 11, Chapter 4. by *Kernell, *Garrett, *Brooks. (*SB140 by *Springer)

On motion, House Bill No. 391 was made to conform with **Senate Bill No. 140**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 140** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92

Noes0

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 395 -- Sunset Laws - Tennessee registry of election finance, June 30, 2005. Amends TCA Title 2, Chapter 10 and Title 4, Chapter 29. by *Kernell, *Garrett, *Brooks. (*SB115 by *Springer)

Rep. Kernell moved that House Bill No. 395 be reset for the Regular Calendar on May 26, 1999, which motion prevailed.

***House Bill No. 673** -- Insurance, Health, Accident - Requires certain entities to designate physician licensed in Tennessee as medical director, responsible for treatment policies and utilization management and to ensure certain service delivery decisions are made by doctor or licensed person and to limit retrospective denial of coverage; noncompliance is basis for certificate of authority action. Amends TCA Title 56. by *Caldwell, *Hargrove, *Naifeh, *DeBerry L., *Rinks, *Williams (Williamson), *Arriola, *McDonald, *Kisber, *Armstrong, *Turner (Shelby), *Lewis, *Stulce, *Sands, *Davidson, *Pinion, *Jones, S., *Ridgeway, *Bone, *Robinson, *Ferguson, *Brooks, *Tindell, *Eckles, *Newton, *Scroggs, *West, *Hood, *Fraley, *Miller L., *Maddox, *Pruitt, *Winningham, *Hargett, *Pleasant, *Cooper B., *Ford S., *Brown, *Langster, *Dunn, *Sargent, *Givens, *Patton, *White, *Fitzhugh, *Jackson, *Hagood, *Black. (SB1117 by *Cooper)

Further consideration of House Bill No. 673 previously considered on March 24, 1999, April 29, 1999, May 6, 1999 and May 13, 1999 at which time the House was on the motion to refer the bill to the Health and Human Resources Committee and reset it for today's Calendar.

Rep. Hargrove moved that House Bill No. 673 be reset for the Regular Calendar on May 20, 1999, which motion prevailed.

***House Bill No. 1823** -- Motor Vehicles - Creates Class C misdemeanor offense for bailee failing to report theft of bailed motor vehicle; codifies common law in creation of bailment when owner leaves motor vehicle and keys with person in order for person to perform mechanical, parking or other services for consideration; creates assumption of bailee's negligence when bailed motor vehicle not returned to owner. Amends TCA Title 39, Chapter 14, Part 1 and Title 55, Chapter 5. by *DeBerry J., *Miller L. (SB1893 by *Kyle)

Further consideration of House Bill No. 1823 previously considered on May 13, 1999 at which time it was reset for today's Calendar.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Rep. J. DeBerry moved that House Bill No. 1823 be passed on third and final consideration.

Rep. McMillan moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1823 by deleting SECTION 1 in its entirety and by substituting instead the following new section:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 5, is amended by adding the following new section:

Whenever a motor vehicle under a bailee's care has been stolen, the bailee shall report such theft to the to the appropriate law enforcement agency and to the bailor if such bailor's address is known. Thereafter, the law enforcement agency shall investigate such theft in the same manner as any other stolen motor vehicle investigation.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. J. DeBerry moved that **House Bill No. 1823**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92
Noes0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Bill No. 181** -- Firearms and Ammunition - Makes any person liable for failing to report possession of firearms by minors on school property. Amends TCA Section 39-17-1312. by *McKee, *Roach, *Newton, *Hargett, *Todd, *Pleasant, *Black, *Bunch, *Maddox. (SB1442 by *Elsa)

Further consideration of House Bill No. 181 previously considered on May 13, 1999 at which time it was reset for today's Calendar.

Rep. McKee moved that House Bill No. 181 be reset for the Regular Calendar on May 24, 1999, which motion prevailed.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

***Senate Bill No. 7** -- Traffic Safety - Increases from six to 12 years age of children prohibited from riding in back of pickup trucks on state highways. Amends TCA 55-8-189. by *Cooper, *Rochelle, *Burks, *Kurita. (HB192 by *Kisber, *Caldwell, *Walker (Rhea), *Turner (Hamilton), *Stulce)

Further consideration of Senate Bill No. 7 previously considered on today's Calendar.

Rep. Kisber moved that Senate Bill No. 7 be passed on third and final consideration.

Rep. Tidwell moved adoption of Amendment No. 2, which motion prevailed by the following vote:

Ayes	60
Noes	29
Present and not voting	2

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Buck, Bunch, Buttry, Chumney, Cole (Carter), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), Dunn, Ferguson, Ford, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Head, Kent, Kernell, Kerr, Lewis, McAfee, McCord, McDaniel, McKee, Miller, Mumpower, Newton, Patton, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Robinson, Sands, Sharp, Stulce, Tidwell, Todd, Walley, Westmoreland, White, Whitson, Windle, Winningham, Wood -- 60.

Representatives voting no were: Briley, Brown, Cole (Dyer), Eckles, Fitzhugh, Fowlkes, Hargrove, Hood, Jones S., Kisber, Langster, Maddox, McDonald, McMillan, Montgomery, Odom, Phelan, Pruitt, Rinks, Roach, Sargent, Scroggs, Tindell, Towns, Turner (Hamilton), Walker, West, Williams, Mr. Speaker Naifeh -- 29.

Representatives present and not voting were: Caldwell, Jones U. -- 2.

Rep. Kerr moved that Senate Bill No. 7 be reset for the Regular Calendar on May 19, 1999, which motion failed.

Rep. Kisber moved that **Senate Bill No. 7**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	74
Noes	13
Present and not voting	4

Representatives voting aye were: Arriola, Baird, Bittle, Black, Bone, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), DeBerry J., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Montgomery, Mumpower, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tindell, Todd, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Williams, Wood, Mr. Speaker Naifeh -- 74.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Representatives voting no were: Beavers, Davis (Cocke), Ferguson, Gunnels, Kerr, McCord, McKee, Phillips, Rhinehart, Sharp, Towns, Windle, Winningham -- 13.

Representatives present and not voting were: Boyer, Cooper, Newton, Tidwell -- 4.

A motion to reconsider was tabled.

House Bill No. 1133 -- Custody and Support - Enacts "Uniform Child-Custody Jurisdiction and Enforcement Act." Amends TCA Title 36; Title 36, Chapter 6; Title 37 and Title 39. by *McMillan. (*SB1411 by *Person)

Further consideration of House Bill No. 1133 previously considered on today's Calendar at which time the House adopted Amendment No. 1 and was on the motion to withdraw Amendment No. 2.

Rep. McMillan moved that House Bill No. 1133, as amended, be passed on third and final consideration.

Rep. McMillan moved that Amendment No. 2 be withdrawn, which motion prevailed by the following vote:

Ayes	85
Noes	0
Present and not voting	1

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives present and not voting were: Turner (Hamilton) -- 1.

Rep. McMillan moved that **House Bill No. 1133**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 195 -- Highway Signs - Names rest areas, weigh stations and welcome center on "Music Highway" (I-40 between Memphis and Nashville) in honor of various Tennessee musical artists and entities; provides for appropriate signage at such locations; urges department of tourist development to place at each such location graphic displays including information on area's musical heritage and specific artist or entity for which such location is named. by *Kisber, *McDaniel, *Naifeh, *Todd, *Robinson, *Caldwell, *Ferguson, *Whitson, *Winningham, *Pleasant, *Kernell, *Davis (Cocke), *Cooper B, *Fitzhugh, *Rinks, *Cole (Dyer), *Pinion, *Walley, *Kent, *Cole (Carter), *West, *Bone, *Patton, *Ford S, *Bittle, *Boyer, *Miller L, *Brooks, *Bowers, *DeBerry L, *Towns, *Stulce, *Walker (Rhea). (*SB57 by *Cohen, *Rochelle, *Kurita, *Springer, *Cooper, *Carter, *Ford J, *Dixon, *Crowe)

Rep. Kisber moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1, 2, 3, 4 and 5 to House Bill No. 195, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 195

Pursuant to **Rule No. 73**, Representative Kisber moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 195, which motion prevailed.

The Speaker appointed Representatives Kisber, Fitzhugh and McDaniel as the House members of the Conference Committee on House Bill No. 195.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 210** -- Tattoo Parlors and Piercing Establishments - Requires minors age 17 or younger to have written permission of parent or guardian before receiving body piercing. Amends TCA Title 62, Chapter 38. by *Davis L, *Miller J, *Burks, *Crowe. (HB211 by *Ferguson, *Maddox, *Fitzhugh, *Walker (Rhea), *Stulce)

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Rep. Ferguson moved that the House refuse to recede from its action in adopting Amendment No. 2 to Senate Bill No. 210, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 210**

Pursuant to **Rule No. 73**, Representative Ferguson moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 210, which motion prevailed.

The Speaker appointed Representatives Ferguson, Arriola and Walley as the House members of the Conference Committee on Senate Bill No. 210.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 530** -- Consumer Protection - Adds provisions to limit unsolicited advertising by electronic mail (anti-spamming). Amends TCA Title 47, Chapter 18. by *Hargrove, *Bowers, *Hargett, *Pleasant, *Langster, *Kisber, *Hagood, *Todd, *Boyer. (SB690 by *Kyle, *Burchett, *Cohen, *Person, *Burks, *Harper, *Crowe)

Further consideration of House Bill No. 530 previously considered on May 13, 1999 at which time it was reset for today's Message Calendar.

Senate Amendment No. 1

AMEND House Bill No. 530 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1.

Section 47-18-____.

(a) No person or entity conducting business in this state shall facsimile (fax) or cause to be faxed, or e-mail or cause to be e-mailed, documents consisting of unsolicited advertising material for the lease, sale, rental, gift offer, or other disposition of any realty, goods, services, or extension of credit unless that person or entity shall establish a toll-free telephone number that a recipient of the unsolicited faxed or e-mailed documents may call to notify the sender not to fax or e-mail the recipient any further unsolicited documents.

(b) All unsolicited faxed or e-mail documents subject to this section shall include a statement informing the recipient of the toll-free telephone number that the recipient may call, or a valid return address to which the recipient may write or e-mail, as the cause may be, notifying the sender not to fax or e-mail the recipient any further unsolicited documents to the fax number, or numbers, or addresses, specified by the recipient.

In the case of faxed material, the statement shall be in at least nine (9) point type.

(c) Upon notification by a recipient of his or her request not to receive any further unsolicited faxed or e-mailed documents, no person or entity conducting business in this state shall fax or cause to be faxed or e-mail or cause to be e-mailed any unsolicited documents to that recipient.

(d) In the case of e-mail, that person or entity shall establish a toll-free telephone number or valid sender operated return e-mail address that the recipient of the unsolicited documents may call or e-mail to notify the sender not to e-mail any further unsolicited documents.

(e) In the case of unsolicited bulk e-mail, this section shall apply when the unsolicited e-mailed documents are delivered to a Tennessee resident via an electronic mail service provider's service or equipment located in this state. For these purposes "electronic mail service provider" means any business or organization qualified to do business in this state that provides individuals, corporations, or other entities the ability to send or receive electronic mail through equipment located in this state and that is an intermediary in sending or receiving electronic mail.

(f) It shall be unlawful for any person to sell, give or otherwise distribute or possess with the intent to sell, give or distribute software which (1) is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information; (2) has only limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or (3) is marketed by that person or another acting in concert with that person with that person's knowledge for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information.

(g) As used in this section, "fax" or "cause to be faxed" or "e-mail" or "cause to be e-mailed" does not include or refer to the transmission of any documents by the telecommunications utility or Internet service provider to the extent that the telecommunications utility or Internet service provider merely carries that transmission over its network.

(h) Any person whose property or person is injured by reason of a violation of any provision of this article may sue therefor and recover for any damages sustained, and the costs of such suit. Without limiting the generality of the term, "damages" shall include loss of profits.

(1) If the injury arises from the transmission of unsolicited bulk electronic mail, the injured person, other than an electronic mail service provider, may also recover attorneys' fees and costs, and may elect, in lieu of actual damages, to recover the lesser of ten dollars (\$10.00) for each and every unsolicited bulk electronic mail message transmitted in violation of this article, or five thousand dollars (\$5,000) per day. The injured person shall not have a cause of action against the electronic mail service provider that merely transmit the unsolicited bulk electronic mail over its computer network.

(2) If the injury arises from the transmission of unsolicited bulk electronic mail, an injured electronic mail service provider may also recover attorneys' fees and costs, and may elect, in lieu of actual damages, to recover the greater of ten dollars (\$10.00) for each and every unsolicited bulk electronic mail message transmitted in violation of this article, or five thousand dollars (\$5,000) per day.

(3) At the request of any party to an action brought pursuant to this section, the court may, in its discretion, conduct all legal proceedings in such a way as to protect the secrecy and security of the computer, computer network, computer data, computer program and computer software involved in order to prevent possible recurrence of the same or a similar act by another person and to protect any trade secrets of any party.

(4) The provisions of this article shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law.

(i) This section, or any part of this section, shall become inoperative on and after the date that federal law is enacted that prohibits or otherwise regulates the transmission of unsolicited advertising by electronic mail (e-mail).

SECTION 2. For purposes of this section:

(a) "Computer network" means a set of related, remotely connected devices and any communications facilities including more than one computer with the capability to transmit data among them through the communications facilities.

(b) "Without authority" means a person uses the computer network of an electronic mail service provider to transmit unsolicited bulk electronic mail in contravention of the authority granted by or in violation of the policies set by the electronic mail service provider. Transmission of electronic mail from an organization to its members shall not be deemed to be unsolicited bulk electronic mail.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 2

AMEND House Bill No. 530 By deleting the language "as the cause may be" from the first sentence of subsection (b) in the amendatory language of Section 1, as amended by Senate Commerce, Labor & Agriculture Committee Amendment No. 1, and by substituting instead the language "as the case may be".

Senate Amendment No. 3

AMEND House Bill No. 530 by inserting in the amendatory language of subsection (a) of Section 1, as amended, the words "or return e-mail address" between the words "telephone number" and the words "that a recipient".

Rep. Hargrove moved that the House non-concur in Senate Amendment(s) No(s). 1, 2 and 3 to **House Bill No. 530**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 688** -- Workers' Compensation - Authorizes injured worker in workers' compensation case to receive psychological services. Amends TCA Title 50, Chapter 6. by *Jones, S., *Langster, *Turner (Hamilton). (SB1368 by *Person)

Senate Amendment No. 2

AMEND House Bill No. 688 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. All psychological or psychiatric services available under this act shall be rendered only by psychologists or psychiatrists and shall be limited to those ordered upon the referral of physicians authorized under Tennessee Code Annotated, Section 50-6-204(a)(4).

Rep. S. Jones moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 688**, which motion prevailed by the following vote:

Ayes91
Noes.....0

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1031 -- Fire Prevention and Investigation - Expands inherently dangerous conditions in buildings to include "any dangerous or defective condition," which if found by official of fire prevention division requires immediate correction so as not to place responsibility for condition on owner, occupant, architect, contractor, builder, mechanic, electrician or other person. Amends TCA Section 68-102-117. by *Jones U (Shelby), *Miller L, *Pleasant, *DeBerry J, *Cooper B. (*SB1035 by *Dixon)

Senate Amendment No. 3

AMEND House Bill No. 1031 By deleting the citation "69-102-117(a)(1)" in Section 1, as amended by Senate Amendment 1, and by substituting instead the citation "68-102-117(a)(1)".

Rep. U. Jones moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1031**, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1290 -- Motor Vehicles - Authorizes police department to sell at public auction within 30 days of date on which vehicle was taken into custody, abandoned, immobile or unattended motor vehicle which has not been reclaimed. Amends TCA Title 55, Chapter 16. by *Jones U (Shelby), *DeBerry J. (*SB1519 by *Ford J)

Senate Amendment No. 1

AMEND House Bill No. 1290 By deleting Section 1 in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 55-16-103, is amended by adding the following language as a new subdivision to be designated as subdivision (7):

(7) "Possession" as used in §55-16-108(e) shall be construed to mean either physical possession or constructive possession by a unit of government. Physical possession means seizure and physical custody by a unit of government. Constructive possession shall be determined by the power and intent of a unit of government to control.

Rep. U. Jones moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1290**, which motion prevailed by the following vote:

Ayes92
Noes0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1594** -- Alcoholic Beverages - Permits Starwood Amphitheater in Davidson County to obtain liquor by the drink license. Amends TCA Section 57-4-102. by *West, *Garrett. (SB1840 by *Rochelle)

Senate Amendment No. 1

AMEND House Bill No. 1594 By adding the following new sections to precede the effective date section:

SECTION ____ Tennessee Code Annotated, Section 57-4-101, is amended by adding the following as a new subsection:

() It is lawful to serve wine and other alcoholic beverages as defined in Tennessee Code Annotated, Section 57-3-101, and beer as defined in Tennessee Code Annotated, Section 57-6-102, to be consumed on the premises of any club as defined in Section 57-4-102(4)(D), to the guests of the club, subject to the further provisions of this chapter other than Section 57-4-103, provided that such club is located in a county having a population of not less than one hundred three thousand one hundred (103,100) nor more than one hundred three thousand four hundred (103,400) according to the 1990 federal census or any subsequent federal census and in a municipality which lies within two (2) contiguous counties.

SECTION ____ Tennessee Code Annotated, Section 57-4-102(4), is amended by adding the following new item (D):

(D) "Club" also means a clubhouse owned and operated by a for-profit corporation, which is open to the public but has at least one hundred fifty (150) private members and seats at least one hundred (100) persons, that is a planned part of a residential development consisting of no less than two hundred fifty (250) acres and at least one hundred ninety (190) residential units and such development contains an eighteen-hole golf course under separate ownership; provided that such club is located in a county having a population of not less than one hundred three thousand one hundred (103,100) nor more than one hundred three thousand four hundred (103,400) according to the 1990 federal census or any subsequent federal census and in a municipality which lies within two (2) contiguous counties.

Rep. West moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1594**, which motion prevailed by the following vote:

Ayes	62
Noes	26
Present and not voting	1

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Arriola, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Davis (Cocke), DeBerry J., Eckles, Ford, Fraley, Givens, Gunnels, Hargrove, Harwell, Hassell, Head, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, McCord, McKee, McMillan, Miller, Montgomery, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sargent, Scroggs, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, West, Westmoreland, Whitson, Williams, Mr. Speaker Naifeh -- 62.

Representatives voting no were: Baird, Beavers, Bunch, Curtiss, Davidson, Davis (Washington), Dunn, Ferguson, Fitzhugh, Godsey, Goins, Hagood, Hargett, Hood, Lewis, Maddox, McAfee, McDaniel, Rhinehart, Sharp, Stulce, Walley, White, Windle, Winningham, Wood -- 26.

Representatives present and not voting were: Fowlkes -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from yes to present not voting on the motion to concur in Senate Amendment No. 1 to House Bill No. 1594 and have this statement entered in the Journal: Rep(s). Todd.

MOTION TO RECONSIDER

Rep. Sands moved to lift from the table the motion to reconsider Senate Bill No. 1825, which motion prevailed.

Senate Bill No. 1825 -- Auctions and Auctioneers - Makes changes to requirements for auctioneer licensing and continuing education; sets forth provisions relative to auction gallery licenses Amends TCA Title 62, Chapter 19, Part 1. by *Ramsey. (*HB336 by *Sands)

Rep. Sands moved to reconsider action in passing Senate Bill No. 1825, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment(s) No(s). 1 and 2.

On motion, Amendment(s) No(s). 1 and 2 were withdrawn.

Rep. Sands moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1825 by deleting House Commerce Amendment No.1 and House Amendment No. 2 in their entirety.

AND FURTHER AMEND by inserting the following between the words "firm" and "must" in the amendatory language of the second new subdivision of Section 5 of the printed bill, as amended:

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

, except an auto auction as defined at Tennessee Code Annotated, Section 55-17-102(2),

AND FURTHER AMEND by deleting the second sentence of Section 8 of the printed bill, as amended, in its entirety.

AND FURTHER AMEND by deleting the punctuation "." at the end of the second new subdivision of Section 5 of the printed bill, as amended, and adding the following:
or by his attorney.

AND FURTHER AMEND by adding the following as new section of the printed bill, as amended:

SECTION _____. The provisions of this act shall not apply to any court sale.

AND FURTHER AMEND by deleting the word "individual" in the first line of subsection (a) of new Section 62-19-1__ of Section 10 of the printed bill, as amended, and by substituting instead the word "person".

AND FURTHER AMEND by deleting subsection (c) of Section 10 of the printed bill, as amended, in its entirety and by substituting instead the following:

The person who desires to obtain a gallery license shall submit an application to the commission on the prescribed form. A person who desires to obtain a gallery license for a firm shall request issuance of the license in the name of the firm with a specific person acting as principal. The application shall demonstrate satisfactory proof that such person has:

- (1) reached the age of eighteen (18) years;
- (2) successfully completed at least thirty (30) hours of classroom education approved by the commission; and
- (3) provided other information as the commission may require to demonstrate honesty, trustworthiness, integrity, reputation, and competency.

On motion, Amendment No. 3 was adopted.

Rep. Sands moved that **Senate Bill No. 1825**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes91
Noes0

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Patton moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 257 out of order, which motion prevailed.

House Joint Resolution No. 257 -- Naming and Designating - "Storytelling Day on Capitol Hill," May 18, 1999. by *Patton.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Patton, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Brown moved that the rules be suspended for the purpose of introducing House Resolution No. 59 out of order, which motion prevailed.

House Resolution No. 59 -- Memorials, Public Service - Lois Massey. by *Brown.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Brown, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Brown moved that the rules be suspended for the purpose of introducing House Resolution No. 60 out of order, which motion prevailed.

House Resolution No. 60 -- Memorials, Public Service - Art Woolsen. by *Brown.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Brown, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

On motion of Rep. Hargrove and seconded by Rep. McDaniel, the following rules were suspended for the remainder of the 1999 Legislative Session:

Rule No. 17: so that all congratulatory and memorializing resolutions can be placed directly on the next Consent Calendar;

Rule No. 49: the 48-hour rule so that all bills moved from Calendar and Rules can be set on the next floor Calendar;

Rule No. 50: the 72-hour rule for posting the Consent Calendar, so that local bills and other bills and resolutions coming out of Calendar and Rules can be placed on the next Consent Calendar on a daily basis;

Rule No. 71: the 24-hour rule requiring all amendments to placed on the members' desk;

Rule No. 59: notice provisions so that all bills from the Senate with messages can be announced and automatically placed on the next Message Calendar;

Rule No. 75: message time provision so that session can meet hours other than 9:00 a.m. to 12 noon and 2:00 p.m. to 7:00 p.m.;

Rule No. 80(1): so that all bills reported out of subcommittee can be heard on the next full committee calendar without waiting a week;

Rule No. 80(1): so that all bills reported out of committee can be heard in the next committee or subcommittee without waiting a week.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on May 19, 1999:

Senate Bill No. 946: by Rep. Buck

House Joint Resolution No. 116: by Rep. Godsey

RULES SUSPENDED

On motion of Rep. Hargrove, the rules were suspended to allow House Bill(s) No(s). 1334 and 1898 to be heard on the House Judiciary Committee Calendar for Tuesday, May 18, 1999.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 672: Rep(s). Langster as prime sponsor(s).

House Bill No. 915: Rep(s). Walker as prime sponsor(s).

House Bill No. 1334: Rep(s). Buck as first prime sponsor(s).

MESSAGE FROM SENATE

May 17, 1999

MR. SPEAKER: I am directed to request the return of House Bill(s) No(s). 482, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR

May 17, 1999

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1954, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

ENGROSSED BILLS

May 17, 1999

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 239.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 17, 1999

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 1670.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 17, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1953, 1963 and 1968; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 239; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1483, 1588 and 1828; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 17, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 80, 111, 234 and 237; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 80** -- General Assembly, Directed Studies - Directs department of environment and conservation to study cost of rebuilding historic Port Royal covered bridge in Montgomery County. by *Kurita.

***Senate Joint Resolution No. 111** -- General Assembly, Statement of Intent or Position - Calls attention to increase in suicides in Tennessee; establishes priorities for suicide prevention. by *Wilder.

***Senate Joint Resolution No. 234** -- General Assembly, Directed Studies - Urges Tennessee Valley Authority to develop Y2K crisis contingency plan. by *Crowe.

***Senate Joint Resolution No. 237** -- General Assembly, Confirmation of Appointment - Dale R. Kelley, Tennessee higher education commission. by *Carter, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

MESSAGE FROM THE SENATE

May 17, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 567, 584, 965, 1056, 1297, 1354, 1368, 1381 and 1670; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 85, 148, 166, 169, 175 and 180; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 17, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 98, 350, 492, 768, 796, 866, 1325, 1376, 1472 and 1512; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 98** -- Sunset Laws - Board of examiners in psychology, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 11. by *Springer. (HB379 by *Kernell, *Garrett, *Brooks)

Senate Bill No. 350 -- Motor Vehicles, Titling and Registration - Authorizes issuance of Sons of Confederate Veterans new specialty earmarked license plate; earmarks revenues produced from sale thereof. Amends TCA Title 55, Chapter 4. by *Carter. (*HB279 by *McDaniel)

***Senate Bill No. 492** -- Criminal Procedure - Provides additional exemption from duty of law enforcement officer to take fingerprints if fingerprints stored in electronic fingerprint imaging files of booking agency and arresting or booking officer verifies that individual's fingerprints are on file through use of single digit imaging reader. Amends TCA Title 38, Chapter 3. by *Haynes. (HB926 by *Langster, *Pruitt)

***Senate Bill No. 768** -- Highways, Roads and Bridges - Directs department of transportation to widen Highway 41 from Natchez Trace to Columbia. by *Springer. (HB1306 by *White)

***Senate Bill No. 796** -- Planning, Public - Transfers remaining interstate right-of-way property in Memphis acquired for cancelled connector to Memphis for redevelopment as parkway and urban residential development. Amends TCA Section 12-2-112. by *Cohen. (HB1371 by *Jones U (Shelby))

***Senate Bill No. 866** -- Sexual Offenses - Redefines "material" and "minor" under the Tennessee Protection of Children against Sexual Exploitation Act of 1990; creates affirmative defense to prosecution if minor is emancipated. Amends TCA Title 39, Chapter 17, Part 10. by *Kyle, *Kurita, *Graves, *Williams, *Burks, *Crowe, *Haynes, *Fowler. (HB1144 by *McMillan)

Senate Bill No. 1325 -- Courts, General Sessions - Subject to local approval, authorizes general sessions court of Claiborne County to exercise concurrent jurisdiction with circuit and chancery courts over workers' compensation, divorce, other domestic relations cases, mental health commitment cases, probate and decedent's estates cases. Amends TCA Section 16-15-5004. by *Williams. (*HB804 by *Goins)

***Senate Bill No. 1376** -- Dentists - Expands dental practice act to include practical dental assistants as well as dental hygienists and registered dental assistants; removes requirement of didactic examination for registered dental assistants to apply sealants; retains authority of dental board to establish necessary criteria and curricula for registered dental assistants to apply sealants and perform polishing. Amends TCA Title 63, Chapter 5, Part 1. by *Person. (HB1614 by *McMillan, *Jones, S.)

MONDAY, MAY 17, 1999 -- THIRTY-FIRST LEGISLATIVE DAY

***Senate Bill No. 1472** -- District Attorneys - Creates position of state victim-witness coordinator. Amends TCA Title 8, Chapter 7. by *Haynes, *McNally, *Kyle. (HB1546 by *McMillan)

Senate Bill No. 1512 -- Mental Health and Mental Retardation, Dept. of - Adds McNairy County to those counties for which department shall establish, by rule, pilot program to reimburse licensed supportive living facilities for the mentally ill. Amends TCA Section 12-4-330. by *Wilder. (*HB820 by *Rinks)

ENGROSSED BILLS

May 17, 1999

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 136, 874, 876, 906, 1133, 1190, 1196, 1208, 1228, 1347, 1604, 1751, 1757, 1823, 1846, 1915, 1969, 1972, 1976, 1977, also, House Joint Resolution(s) No(s). 53, 54, 55, 84, 176, 211, 236, 237, 238, 240, and 257.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....92

Representatives present were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 9:00 a.m., Wednesday, May 19, 1999.